



CITY COUNCIL MINUTES 14-014

9:30 a.m.

Friday, July 11, 2014

Council Chambers

Hamilton City Hall

71 Main Street West

Present:	Mayor R. Bratina, Deputy Mayor B. Clark Councillors B. McHattie, J. Farr, R. Morrow, S. Merulla, C. Collins, T. Jackson, S. Duvall, T. Whitehead, M. Pearson, B. Johnson, L. Ferguson, R. Pasuta, J. Partridge
Absent with Regrets:	Councillor R. Powers – City Business

Mayor Bratina called the meeting to order.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

1. ADDED & AMENDED COMMUNICATIONS

- 5.3 Item 5.3 has been withdrawn from the agenda, as it was addressed at the June 25, 2014 meeting of Council.
- 5.9 Correspondence from Brenda Mitchell, on behalf of the Corktown Neighbourhood Association and the Neighbourhood Advocates of Stinson, respecting Health and Safety Issues and Visual Impacts related to the Claremont Access

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

- 5.10 Correspondence from Kathy Cruickshanks, on behalf of Dave and Linda Fenton, respecting a Request for a Reduction of Development Charges

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

- 5.11 Correspondence from the Association of Municipalities of Ontario (AMO), respecting the Accountability Act, which was introduced on July 8, 2014

Recommendation: Be received and referred to the Governance Review Sub-Committee for discussion.

- 5.12 Correspondence from Matt Thompson and Sam Kamminga, Co-Presidents, Beasley Neighbourhood Association, in support of Items 1 and 2 of the General Issues Committee Report 14-015 regarding 180-188 Wilson Street East

Recommendation: Be received.

2. AMENDED / ADDED NOTICES OF MOTION

- 8.1(a) The Notice of Motion, respecting the Local Health of Honey Bees, that is in the agenda has been amended and therefore needs to be deleted and replaced with the copy attached hereto.

- 8.2 Objection to Liquor License Application Cornershot Sports Bar, 251 John Street North, Hamilton, Ontario

- 8.3 Reconsideration of Item 5 of General Issues Committee Report 12-010, approved by Council on April 25, 2012, respecting "Hamilton Firefighters Drum Corps Loan"

- 8.4 Naming the North Wentworth Twin Pad Arena the "Harry Howell Arena"

- 8.5 Public Art Initiative

3. AMENDMENTS TO THE BILL LIST

- 11.1(a) Amendment to Bill No. 171 - Removal of Part Lot Control, Block 38, Registered Plan No. 62M-1177 & Lots 1-29 & Block 30, Registered Plan No. 62M-1203

11.1(b) Amendment to the Bill List – Addition of the Following Bills:

- 178 To Amend Zoning By-law No. 05-200,
Respecting Lands Located at 1910 Rymal Road East,
Former Township of Glanbrook
- 179 To Amend Zoning By-law No. 464 (Glanbrook)
Respecting Lands Located at 1910 Rymal Road East
- 180 To Amend Zoning By-law No. 3692-92 (Stoney Creek),
Respecting the Property Located at 420 First Road West
- 181 To Amend By-law No. 07-170, a By-law to License and
Regulate Various Businesses
Schedule - 25

(Pearson/Pasuta)

That the agenda for the July 11, 2014 meeting of Council be approved, as amended.

CARRIED

DECLARATIONS OF INTEREST

Councillor Ferguson declared an interest in Item 9 of Planning Committee Report 14-001 respecting Amendments to Licensing By-law, Schedule 25 - Taxicabs (PED14144) (City Wide) (Item 6.9) as he is involved in the taxi cab industry.

APPROVAL OF MINUTES

4.1 June 25, 2014

(Pearson/Pasuta)

That the Minutes of the June 25, 2014, meeting of Council be approved, as presented.

CARRIED

COMMUNICATIONS

(Clark/Partridge)

That Council Communications 5.1 through 5.12 be approved, as amended, as follows:

- 5.1 Correspondence from the Association of Municipalities of Ontario (AMO) – Highlights of the June 2014 Board Meeting

Recommendation: **(McHattie/Morrow)** Be received.

- 5.2 Correspondence from Beatrice Olivastri, Chief Executive Officer, Friends of the Earth, respecting Honey Bees

Recommendation: **(McHattie/Morrow)** Be received.

- 5.3 Correspondence from Peter Armstrong, Director, Program and Services Branch, Ministry of Tourism, Culture and Sport, respecting Council's concerns regarding Listing Non-Designated Properties on the Municipal Register of Properties of Cultural Heritage Value or Interest

This item was withdrawn from the agenda, as it was addressed at the June 25, 2014 meeting of Council.

- 5.4 Correspondence from Nancy Bozzato, Town Clerk, Pelham Niagara, respecting Ontario Power Generation Information Sharing

Recommendation: **(McHattie/Morrow)** Be received.

- 5.5 Correspondence from Salpie Stepanian, Assistant to the Prime Minister, respecting Hamilton's Interest in Commissioning a Public Art Piece in Honour of the late Lincoln M. Alexander

Recommendation: **(McHattie/Morrow)** Be received.

- 5.6 Correspondence from M. Bourque, Executive Correspondence Officer, Office of the Prime Minister, respecting Accessibility to Hamilton's Public Transit Stops

Recommendation: **(McHattie/Morrow)** Be received.

- 5.7 Correspondence from Steven Davidson, Deputy Minister, Ministry of Tourism Culture and Sport, respecting Hamilton's Interest in Commissioning a Public Art Piece in Honour of the late Lincoln M. Alexander

Recommendation: **(Whitehead/Merulla)** Be received and referred to the General Manager of Planning and Economic Development to contact agencies for possible funding opportunities and report to the General Issues Committee.

- 5.8 Correspondence from Kelly Cole, Corporate Services Administrative Support/Assistant to the Mayor, respecting the Formation of a Small and Rural School Alliance

Recommendation: **(Partridge/Johnson)** Be received and endorsed.

- 5.9 Correspondence from Brenda Mitchell, on behalf of the Corktown Neighbourhood Association and the Neighbourhood Advocates of Stinson, respecting Health and Safety Issues and Visual Impacts related to the Claremont Access

Recommendation: **(Farr/Whitehead)** Be received and referred to the General Manager of the Public Works Department for a report to the Public Works Committee.

- 5.10 Correspondence from Kathy Cruickshanks, on behalf of Dave and Linda Fenton, respecting a Request for a Reduction of Development Charges

Recommendation: **(Clark/Johnson)** Be received and referred to the General Manager of Finance & Corporate Services for a report to the Audit, Finance & Administration Committee.

- 5.11 Correspondence from the Association of Municipalities of Ontario (AMO), respecting the Accountability Act, which was introduced on July 8, 2014

Recommendation: **(Whitehead/Pearson)** Be received and referred to the Governance Review Sub Committee for discussion.

- 5.12 Correspondence from Matt Thompson and Sam Kamminga, Co-Presidents, Beasley Neighbourhood Association, in support of Items 1 and 2 of the General Issues Committee Report 14-015 regarding 180-188 Wilson Street East

Recommendation: **(Farr/Whitehead)** Be received and referred to the Planner responsible for this file.

(Pearson/Johnson)

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

CARRIED

GENERAL ISSUES COMMITTEE REPORT 14-015

Item 18 – Additional Funding for Renovation/Construction of Dressing Rooms – Spring Valley Arena, Ancaster (Item 9.1)

Councillor Duvall indicated that he wished to be recorded as being opposed to Item 18 of General Issues Committee Report 14-015 respecting Additional Funding for Renovation/Construction of Dressing Rooms – Spring Valley Arena, Ancaster.

(Pearson/Johnson)

That the FIFTHTEEN Report of the General Issues Committee be adopted, and the information section received (attached hereto).

CARRIED

PLANNING COMMITTEE REPORT 14-011

- Item 8. Applications for an Amendment to City of Stoney Creek Zoning By-law No. 3692-92 and for Approval of a Draft Plan of Subdivision known as “Red Hill Developments – Phase 1”, Nash Neighbourhood (Stoney Creek) (PED14138) (Ward 9) (Item 6.7)**

(Johnson/Pearson)

That Planning Committee Report 14-001, Item 8, Red Hill Developments – Phase 1, Nash Neighbourhood, be amended, as follows:

That the recommendations contained in Report PED 14138, Applications for an Amendment to City of Stoney Creek Zoning By-law No. 3692-92 and for Approval of a Draft Plan of Subdivision known as “Red Hill Developments – Phase 1”, Nash Neighbourhood (Stoney Creek), be amended by adding a new sub-section (c) to read as follows:

- (c) That Appendix D, Special Conditions of Draft Plan of Subdivision approval for “Red Hill Developments Phase 1”, to Report PED14138 be deleted and replaced with a REVISED Appendix D, attached hereto.

**AMENDMENT CARRIED
MOTION AS AMENDED CARRIED**

- Item 14. OMB Appeal of Zoning By-law Amendment Application ZAC-09-050, 341 Mountsberg Road, Flamborough; OMB Appeal of Rural Hamilton Official Plan by Keith and Brenda Pickles Regarding 341 Mountsberg Road, Flamborough; Court Application by City of Hamilton against Keith and Brenda Pickles Regarding Enforcement of Demolition Permit for Second Dwelling at 341 Mountsberg Road Flamborough; and Court Application by Keith and Brenda Pickles Requesting a Stay of the City’ Court Application (LS14027/PED14142) (Item 12.2)**

(Johnson/Partridge)

That Planning Committee Report 14-011, Item 14, 341 Mountsberg Road, Flamborough, be amended by deleting and replacing the recommendations as follows:

- (a) That the City of Hamilton enter into the Minutes of Settlement attached to Report LS14027/PED14142 as Appendix "A" respecting the following matters:

- (1) OMB Appeal of Zoning By-law Amendment Application ZAC-09-050, OMB File No. PL101294;
 - (2) OMB Appeal of the Rural Hamilton Official Plan by Keith and Brenda Pickles, OMB File No. PL090114;
 - (3) Court Application by City of Hamilton against Keith and Brenda Pickles Court File No. 08-7853;
 - (4) Court Application by Keith and Brenda Pickles against the City of Hamilton, Court File No. 12-34165.
- (b) That the City Solicitor or her designate is hereby authorized to execute the aforesaid Minutes of settlement attached to Report LS14027/PED14142 and any additional documents to implement the resulting settlement and make such amendments to the Minutes of Settlement and the additional documents as she deems fit so long as they are consistent with the intent of the settlement and re consented to by the Director of Planning or his delegate and the Chief Building Official or his delegate and provided and amendments are consistent with the intent of the settlement ad described in Appendix "A" to Report LS14027/PED14142.
- (c) That Report LS14027/PED14142 remain confidential except that once executed by all parties, the Minutes of Settlement attached to Report LS14027/PED14142 as Appendix "A" may be released to the public.

**AMENDMENT CARRIED
MOTION AS AMENDED CARRIED**

Item 15. Urban Hamilton Official Plan: Proposed Settlement of Paletta International Corporation's Appeals and Legal Direction (LS14023/PED14133) (Item 12.3)

(Johnson/Pearson)

That Planning Committee Report 14-011, Item 15, Urban Hamilton Official Plan: Proposed Settlement of Paletta International Corporation's Appeals and Legal Direction, be amended by deleting and replacing the recommendations as follows:

- (a) That City of Hamilton staff be directed to settle Paletta International Corporation's appeals of the Urban Hamilton Official Plan ("UHOP") respecting the properties at 272 First Road West, 212 Glover Road and 0 Rymal Road East (the "Appeals") in accordance with the Minutes of Settlement attached as Appendix "A" to Report LS14023/PED14133, subject to such drafting, editorial or technical modifications as may be necessary;

- (b) That the City Solicitor or her designate is hereby authorized to execute the final Minutes of Settlement;
- (c) That staff be directed to present and/or provide evidence in support of the settlements to the Ontario Municipal Board, as may be necessary; and,
- (d) That Report LS14023/PED14133 remain confidential except that once executed by all parties, the Minutes of Settlement attached to Report LS14023/PED14133 as Appendix "A" may be released to the public.
- (e) That the Minutes of Settlement remain confidential until signing.

**AMENDMENT CARRIED
MOTION AS AMENDED CARRIED**

(Johnson/Pearson)

That the ELEVENTH Report of the Planning Committee be adopted, as amended, and the information section received (attached hereto)..

CARRIED

SELECTION COMMITTEE REPORT 14-001
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(Johnson/Duvall)

That the FIRST Report of the Selection Committee be adopted, and the information section received (attached hereto)..

CARRIED

BOARD OF HEALTH REPORT 14-006

(Bratina/Partridge)

That Section 5.6(2) of the City's Procedural By-law, which provides that a minimum of 48 hours shall pass before a Standing Committee Report is presented to Council, be waived in order to consider Board of Health Report 14-006, dated Thursday, July 10, 2014.

CARRIED

(Bratina/Partridge)

That the SIXTH Report of the Board of Health Report be adopted, and the information section received (attached hereto)..

CARRIED

(Pearson/Johnson)

That the Committee of the Whole Rise and Report.

CARRIED

MOTIONS

7.1 Special Occasion Permit – TD Festival of Friends (Item 7.1)

WHEREAS, City Council has received Notice (attached hereto as Appendix “A”) from the TD Festival of Friends that they wish to obtain a Special Occasion Permit to sell alcohol at the Annual TD Festival of Friends Event;

AND WHEREAS, the Alcohol & Gaming Commission of Ontario requires that if a permit holder is not a registered charity or non-profit organization or association, that a resolution of the Council is required to designate the event as one of municipal significance;

(Ferguson/Johnson)

- (a) That the City of Hamilton hereby deems the Annual TD Festival of Friends being held at the Ancaster Fairgrounds, 630 Trinity Road, Jerseyville (Ancaster), ON, on Friday, August 8, 2014 from 11:00 a.m. to 1:00 a.m.; Saturday, August 9, 2014 from 11:00 a.m. to 1:00 a.m.; and, Sunday, August 10, 2014 from 11:00 a.m. to 1:00 a.m., as municipally significant;
- (b) That the Applicant be provided a copy of this resolution for inclusion with their application to the Alcohol & Gaming Commission of Ontario.

CARRIED

7.2 A motion to further Amend Item 8 of the Audit, Finance & Administration Committee Report 14-004, respecting the Grants Sub-Committee Report 14-002, April 17, 2014 (2014 Community Partnership Program) (Item 7.2)

(Ferguson/Johnson)

- (a) That, as the Ancaster Heritage Village BIA – Films at Fieldcote requires a reduced amount for their 2014 Community Partnership Program (CPP) grant, Appendix “J” (attached hereto) to Item 8 of the Audit, Finance & Administration Committee Report 14-004, respecting the 2014 Community Partnership Program, which was approved by Council on May 14, 2014, be further amended by:
 - (i) Reducing the approved amount of the 2014 CPP grant for the Ancaster Heritage Village BIA – Films at Fieldcote (SE22) by \$1,165; from \$2,000 to \$835; and,
- (b) That subsections (a)(i), (a)(iv) and (a)(v) to Item 8 of the Audit, Finance & Administration Committee Report 14-004, respecting the 2014 Community Partnership Program, which was approved by Council on May 14, 2014, be amended by deleting the numbers “\$3,166,639” and replacing it with the number “\$3,165,474”; deleting the number “\$69,733” and replacing it with

the number \$70,898; and by deleting the number "\$15,369" and replacing it with the number \$16,534, to read as follows:

- (i) That the 2014 Community Partnership Program recommended funding allocation, in the amount of \$3,165,474, (as outlined in the attached Appendix "J" to Report 14-002), be approved;
- (iv) That, for 2014, the unallocated balance of \$70,898 in the Special Events category of the Community Partnership Program (CPP) be transferred to the CPP contingency budget; and,
- (v) That the remaining balance of \$16,534 in the Community Partnership Program (CPP) contingency budget be committed for 2014 unexpected CPP funding.

CARRIED

7.3 Renaming of Service Road (Stoney Creek) to Vince Mazza Way (Item 7.3)

WHEREAS, Service Road (Stoney Creek) is not a private road and; therefore, Section 48 of the *Municipal Act*, 2001 does not apply;

AND WHEREAS, Service Road (Stoney Creek) is a public highway;

AND WHEREAS, there are no municipal addresses associated with Service Road;

AND WHEREAS, the street linking Winona Road to South Service Road (Stoney Creek) is currently known as "Service Road" and is too similar to the abutting "South Service Road", which is confusing to motorists using GPS and other directional based systems;

AND WHEREAS, There is no longer a legal requirement for public notification in the *Municipal Act*, 2001;

AND WHEREAS, the Mazza Family owned and operated Winona Equipment on Winona Road at the Corner of Service Road for many years;

AND WHEREAS, the late Vince Mazza was a former Hamilton Ti-Cat Player;

(Johnson/Pearson)

- (a) That, for this instance, the following sections of the Council approved Local Street Naming Policies, Guidelines and Procedures, be waived:
 - (i) Section 4, Paragraph 7 – The Planning and Development Department shall:

1. Schedule a Public notice in the Hamilton Spectator (20 days prior to a public meeting);
 2. Prepare a staff Report (15 days prior to the meeting to the City's Planning Committee); and,
 3. Hold a Public Meeting of the City's Planning Committee;
- (iv) Section 4, Paragraph 8 – If no one is opposed to the proposed change in street name, the Planning Committee shall forward to Council its recommendations for consideration.
- (b) That the road located between Winona Road and Service Road, Stoney Creek, currently known as "Service Road", as identified on Appendix "A" attached here to, be renamed "Vince Mazza Way";
- (c) That the By-law, attached hereto as Appendix "A", which has been prepared in a form satisfactory to the City Solicitor, be passed.

CARRIED

7.4 Local Health of Honey Bees

(Merulla/McHattie)

That Item 8.1(a) be amended by deleting the section after "Therefore be it resolved" in its entirety and inserting the following words therein to read as follows:

Whereas, honeybees and other pollinating insects are critical to the health of our human and natural ecosystems, and;

Whereas, honeybee species are dying off at a rate too high to guarantee their long-term survival, and;

Whereas, there is growing evidence suggesting that the primary factor in honeybee decline is the presence of neonicotinoid insecticides, commonly found in commonly used agricultural pesticides, and;

Whereas, the European Union and other governments have banned neonicotinoids.

Therefore be it resolved:

~~That Public Health staff be directed to consult with the following to determine the various causes of the decline in honey bee health, including, but not limited to the use of neonicotinoids and the various diseases affecting hone bees globally and report back to the Board of~~

~~Health with recommendations as to how the City of Hamilton may be able to assist from a local standpoint:~~

- ~~(i) The Standing Senate Committee on Agriculture and Forestry;~~
- ~~(ii) Agriculture and Agri-Foods Canada;~~
- ~~(iii) The Canadian Food Inspection Agency~~
- ~~(iv) Health Canada's Pest Management Regulatory Agency;~~
- ~~(v) The Ontario Ministry of Agriculture and Food;~~
- ~~(vi) The University of Guelph;~~
- ~~(vii) The Ontario Beekeepers Association;~~
- ~~(viii) Bee Health Working Group;~~
- ~~(ix) The Ontario Federation of Agriculture;~~
- ~~(x) The Grain Farmers of Ontario;~~
- ~~(xi) Crop Sciences;~~
- ~~(xii) The Ontario Fruit and Vegetable Growers Association;~~
- ~~(xiii) The Ontario's Soil and Crop Improvement Association; and,~~
- ~~(xiv) The City of Hamilton's Legal Services Division.~~

That Public Health staff be directed to consult with the Provincial Ministries of Agriculture, Health, and Environment and Climate Change, the Federal Ministry of Agriculture and Health Canada's Pest Management Regulatory Agency, with respect to the progress made to date regarding the decline of honey bees, and review if there are any deficiencies and report back to the Board of Health.

The motion **CARRIED** on the following standing recorded vote:

Yeas: Bratina, Clark, McHattie, Farr, Morrow, Merulla, Collins, Jackson, Duvall, Whitehead, Pearson, Johnson, Ferguson, Pasuta, Partridge
Total: 15
Nays: None
Total: 0
Absent: Powers
Total: 1

7.5 Objection to Liquor License Application Cornershot Sports Bar, 251 John Street North, Hamilton, Ontario, L8L 4P6

(Farr/Morrow)

Whereas, the Cornershot Sports Bar at 251 John Street North, Hamilton Ontario has applied for a Liquor License;

And Whereas, under Section 7.1 (1) of the Alcohol and Gaming Commission of Ontario's legislation, they shall consider a resolution of Council of the municipality, in which are located the premises for which a person makes an application to sell liquor or holds a license to sell liquor, as proof of the needs and

wishes of the residents of the municipality for the purposes of clause 6 (2) (h) of the Act;

Therefore, be it resolved:

That the Alcohol and Gaming Commission of Ontario (AGCO) be advised that the City of Hamilton wishes to object to the Liquor License application for Cornershot Sports Bar at 251 John Street North, Hamilton, Ontario, L8L 4P6, as concerns and objections have been brought to Council's attention by Hamilton Police Services.

CARRIED

7.6 Hamilton Firefighters Drum Corps Loan (FCS12033) (City Wide)

(Jackson/Collins)

That Item 5 of General Issues Committee Report 12-010 (attached hereto), approved by Council on April 25, 2012, respecting "Hamilton Firefighters Drum Corps Loan" which reads as follows, **be reconsidered**:

5. Hamilton Firefighters Drum Corps Loan (FCS12033) (City Wide)

- (a) That the building and equipment, located at 175 Dartnall Road, be sold to The International Association of Firefighters, Local 288, for the sum of \$285,000;
- (b) That a loan in the amount of \$250,000, which by motion was subsequently increased to \$270,000 to be repaid over 25 years at an interest rate of 3.1% in accordance with the City's External Loan Guidelines for the first ten (10) year term be approved for The International Association of Firefighters, Local 288;
- (c) That Real Estate staff of the Planning and Economic Development Department and the City Treasurer be authorized and directed to enter into a long term lease of the land at a nominal sum of \$1 per year with an Option to Purchase with The International Association of Firefighters, Local 288, in accordance with the terms and conditions attached in Appendix 'A' of report FCS12033;
- (d) That the Mayor and City Clerk be authorized and directed to execute all necessary documents in a form satisfactory to the City Solicitor;
- (e) That the proceeds of the sale be used to pay the outstanding amounts owed by the HFFDC to the City.

CARRIED

5. Hamilton Firefighters Drum Corps Loan (FCS12033) (City Wide)

- (a) That the following sub-sections of Item 5 of General Issues Committee Report 12-010, approved by Council on April 25, 2012, respecting "Hamilton Firefighters Drum Corps Loan" **be rescinded**:
- (i) That the building and equipment, located at 175 Dartnall Road, be sold to The International Association of Firefighters, Local 288, for the sum of \$285,000;
 - (ii) That a loan in the amount of \$250,000, which by motion was subsequently increased to \$270,000 to be repaid over 25 years at an interest rate of 3.1% in accordance with the City's External Loan Guidelines for the first ten (10) year term be approved for The International Association of Firefighters, Local 288;
 - (iii) That Real Estate staff of the Planning and Economic Development Department and the City Treasurer be authorized and directed to enter into a long term lease of the land at a nominal sum of \$1 per year with an Option to Purchase with The International Association of Firefighters, Local 288, in accordance with the terms and conditions attached in Appendix 'A' of report FCS12033;
 - (iv) That the Mayor and City Clerk be authorized and directed to execute all necessary documents in a form satisfactory to the City Solicitor;
 - (v) That the proceeds of the sale be used to pay the outstanding amounts owed by the HFFDC to the City.
- (b) That the following be added as sub-section (c) to Item 5 of General Issues Committee Report 12-010:
- "(c) That \$3,500 of the \$28,500 deposit made by Local 288 in the Agreement of Purchase and Sale be retained by the City to pay for taxes and utilities used by The International Association of Firefighters, Local 288 during the short-term lease, which commenced on December 17, 2013 and ended February 28, 2014."

TO READ AS FOLLOWS:

5. Hamilton Firefighters Drum Corps Loan (FCS12033) (City Wide)

- (a) That, in accordance with the provisions of the lease, the City exercise its right to terminate the lease with the Hamilton Firefighters Drum Corps Inc. (HFFCD) and acquire the title and possession of the Practice Facility Building;
- (b) That the City-owned land municipally known as 175 Dartnall Road be declared surplus to the requirements of the City of Hamilton in accordance with the "Procedural By-law for the Sale of Land", being By-law No. 04-299;
- (c) That \$3,500 of the \$28,500 deposit made by Local 288 in the Agreement of Purchase and Sale be retained by the City to pay for taxes and utilities used by The International Association of Firefighters, Local 288 during the short-term lease, which commenced on December 17, 2013 and ended February 28, 2014.

CARRIED

7.7 Naming the North Wentworth Twin Pad Arena the "Harry Howell Arena"

(Pearson/McHattie)

- (a) That the request to name the North Wentworth Twin Pad Arena the "Harry Howell Arena", be approved.
- (b) That funding for new Harry Howell Arena signage, estimated at approximately \$30,000, be funded from Council's Strategic Capital Reserve (108022).

The motion **CARRIED** on the following standing recorded vote:

Yeas: Bratina, Clark, McHattie, Farr, Morrow, Merulla, Collins, Jackson, Duvall, Whitehead, Pearson, Johnson, Ferguson, Pasuta, Partridge
Total: 15
Nays: None
Total: 0
Absent: Powers
Total: 1

NOTICES OF MOTIONS

Councillor S. Merulla introduced the following Notice of Motion:

8.1 Local Health of Honey Bees

Whereas, honeybees and other pollinating insects are critical to the health of our human and natural ecosystems, and;

Whereas, honeybee species are dying off at a rate too high to guarantee their long-term survival, and;

Whereas, there is growing evidence suggesting that the primary factor in honeybee decline is the presence of neonicotinoid insecticides, commonly found in commonly used agricultural pesticides, and;

Whereas, the European Union and other governments have banned neonicotinoids.

Therefore be it resolved:

That Public Health staff be directed to consult with the following to determine the various causes of the decline in honey bee health, including, but not limited to the use of neonicotinoids and the various diseases affecting hone bees globally and report back to the Board of Health with recommendations as to how the City of Hamilton may be able to assist from a local standpoint:

- (i) The Standing Senate Committee on Agriculture and Forestry;
- (ii) Agriculture and Agri Foods Canada;
- (iii) The Canadian Food Inspection Agency
- (iv) Health Canada's Pest Management Regulatory Agency;
- (v) The Ontario Ministry of Agriculture and Food;
- (vi) The University of Guelph;
- (vii) The Ontario Beekeepers Association;
- (viii) Bee Health Working Group;
- (ix) The Ontario Federation of Agriculture;
- (x) The Grain Farmers of Ontario;
- (xi) Crop Sciences;
- (xii) The Ontario Fruit and Vegetable Growers Association;
- (xiii) The Ontario's Soil and Crop Improvement Association; and,
- (xiv) The City of Hamilton's Legal Services Division.

(Merulla/Pasuta)

That the Rules of Order be suspended to allow for the introduction of a motion respecting the Local Health of Honey Bees.

CARRIED

For disposition of this matter see Item 7.4.

(Merulla/McHattie)

That the correspondence from Jasmine Branton, Legislative Coordinator, on behalf of the Agriculture and Rural Affairs Advisory Committee be received.

CARRIED

Councillor J. Farr introduced the following Notice of Motion:

8.2 Objection to Liquor License Application Cornershot Sports Bar, 251 John Street North, Hamilton, Ontario, L8L 4P6

Whereas, the Cornershot Sports Bar at 251 John Street North, Hamilton Ontario has applied for a Liquor License;

And Whereas, under Section 7.1 (1) of the Alcohol and Gaming Commission of Ontario's legislation, they shall consider a resolution of Council of the municipality, in which are located the premises for which a person makes an application to sell liquor or holds a license to sell liquor, as proof of the needs and wishes of the residents of the municipality for the purposes of clause 6 (2) (h) of the Act;

Therefore, be it resolved:

That the Alcohol and Gaming Commission of Ontario (AGCO) be advised that the City of Hamilton wishes to object to the Liquor License application for Cornershot Sports Bar at 251 John Street North, Hamilton, Ontario, L8L 4P6, as concerns and objections have been brought to Council's attention by Hamilton Police Services.

(Farr/Morrow)

That the Rules of Order be suspended to allow for the introduction of a motion respecting an Objection to Liquor License Application Cornershot Sports Bar, 251 John Street North, Hamilton, Ontario, L8L 4P6.

CARRIED

For disposition of this matter see Item 7.5.

Councillor T. Jackson introduced the following Notice of Motion:

8.3 Hamilton Firefighters Drum Corps Loan (FCS14033) (City Wide)

That Item 5 of General Issues Committee Report 12-010 (attached hereto), approved by Council on April 25, 2012, respecting "Hamilton Firefighters Drum Corps Loan" which reads as follows, **be reconsidered**:

For disposition of this matter see Item 7.6.

Councillor M. Pearson introduced the following Notice of Motion:

8.4 Naming the North Wentworth Twin Pad Arena the "Harry Howell Arena"

- (a) That the request to name the North Wentworth Twin Pad Arena the "Harry Howell Arena", be approved.
- (b) That funding for new Harry Howell Arena signage, estimated at approximately \$30,000, be funded from Council's Strategic Capital Reserve (108022).

(Pearson/McHattie)

That the Rules of Order be waived to allow for the introduction of a motion respecting an the Naming of the North Wentworth Twin Pad Arena the "Harry Howell Arena".

CARRIED

For disposition of this matter see Item 7.7.

Councillor S. Merulla introduced the following Notice of Motion:

Art in the Public Realm

WHEREAS a local member of the arts community has approached the City about the tremendous potential that exists within the City for murals and art in the public realm;

AND WHEREAS other communities have had success with "open wall" initiatives to attract artists to create art in the public realm on vacant storefronts, blank walls, streets, retaining walls, and other urban "canvasses";

AND WHEREAS the potential exists with the upcoming PanAm Games to attract international artists to Hamilton, and to utilize art in the public realm as an initiative to promote the City, beautify the Stadium District, and attract visitors to the City;

THEREFORE BE IT RESOLVED:

- (a) That the City of Hamilton express support for art in the public realm as an initiative that would utilize streets, walls and other public spaces for art, in the

lead-up to the Pan Am Games, and particularly locations in and around the Stadium District;

- (b) That the Culture Division within the Planning and Economic Development Department be directed to prepare a report to Council identifying potential options for consideration, such as facilitating access to potential sites, promotion to the arts community, and facilitating any necessary approval, should an organization of Hamilton artists express an interest in leading such an initiative.

STATEMENT BY MEMBERS

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

PRIVATE AND CONFIDENTIAL

10.1 Closed Session Minutes

(Pearson/Partridge)

- (a) That the Closed Session Minutes of the June 25, 2014 meeting of City Council be approved, as presented.
- (b) That the Closed Session Minutes of the June 25, 2014 meeting of Council, remain confidential and restricted from public disclosure.

CARRIED

BY-LAWS

(Clark/Johnson)

That the Bill List be amended by deleting Bill No. 171, respecting Removal of Part Lot Control, Block 38, Registered Plan No. 62M-1177 and Lots 1-29 and Block 30, Registered Plan No. 62M-1203, it in its entirety and replacing it with the Bill attached hereto.

That the Bill List for the July 11, 2014 meeting of Council be amended by adding Bill numbers 178, 179, 180 and 181 which read as follows, and renumbering the balance accordingly:

- 178** To Amend Zoning By-law No. 05-200,
Respecting Lands Located at 1910 Rymal Road East,
Former Township of Glanbrook
- 179** To Amend Zoning By-law No. 464 (Glanbrook)
Respecting Lands Located at 1910 Rymal Road East
- 180** To Amend Zoning By-law No. 3692-92 (Stoney Creek), Respecting

the Property Located at 420 First Road West

- 181** To Amend By-law No. 07-170, a By-law to License and Regulate Various Businesses
Schedule - 25
- 182** To Confirm Proceedings of Council

Amendment CARRIED

(Clark/Johnson)

That Bills No. 14-166 to 14-182 be passed, and that the Corporate Seal be affixed thereto, and that the By-laws be numbered and signed by the Mayor and the City Clerk to read as follows:

Bill No.

- 166** To Amend By-law No. 14-105, Being a By-law to Levy a Special Charge Upon the Rateable Property in the Business Improvement Areas for the Year 2014
- 167** To Amend By-law No. 01-215
Being a By-law To Regulate Traffic

Schedule 5 - Stop Control
- 168** To Adopt:
Official Plan Amendment No. 24 to the Urban Hamilton Official Plan
Respecting: Ancaster Wilson Street Secondary Plan
- 169** To Amend By-law No. 01-218, as amended,
Being a By-law To Regulate On-Street Parking

Schedule 6 - Time Limit Parking
Schedule 8 - No Parking Zones
Schedule 12 - Permit Parking Zones
Schedule 13 - No Stopping Zones
Schedule 14 - Wheelchair Loading Zones
- 170** To Amend By-Law No. 06-147
Being a By-law to Authorize the City to Enter into Extension Agreements
- 171** Removal of Part Lot Control
Block 38, Registered Plan No. 62M-1177 &
Lots 1-29 & Block 30, Registered Plan No. 62M-1203
- 172** To Impose a Sanitary Sewer Charge upon owners of land abutting Binbrook Road West from approximately 85 metres west of Binhaven Boulevard to Regional Road No. 56, in the City of Hamilton.

- 173** To Impose a Storm Sewer Charge upon owners of land abutting Binbrook Road West from Lynch Crescent to Regional Road No. 56, in the City of Hamilton.
- 174** To Impose a Watermain Charge upon owners of land abutting Binbrook Road West from Binbrook Water Tower to approximately 400m westerly, in the City of Hamilton.
- 175** Removal of Part Lot Control
Blocks 97 and 98, Registered Plan No. 62M-1125, "Parkside Hills, Phase 1"
54 Nisbet Boulevard, Private Road and Units 1-22 (Waterdown)
- 176** To Adopt:
Official Plan Amendment No. 25 to the Urban Hamilton Official Plan
Respecting:
Lands located on the north side of Garner Road East, east of Highway No. 6,
known municipally as 435 Garner Road East, Ancaster
- 177** To Amend Zoning By-law No. 87-57, Respecting Lands Located at 435 Garner Road East, in the former Town of Ancaster, now in the City of Hamilton
- 178** To Amend Zoning By-law No. 05-200,
Respecting Lands Located at 1910 Rymal Road East,
Former Township of Glanbrook
- 179** To Amend Zoning By-law No. 464 (Glanbrook)
Respecting Lands Located at 1910 Rymal Road East
- 180** To Amend Zoning By-law No. 3692-92 (Stoney Creek), Respecting the Property Located at 420 First Road West
- 181** To Amend By-law No. 07-170, a By-law to License and Regulate Various Businesses
Schedule - 25
- 182** To Confirm Proceedings of Council

CARRIED

(Pearson/Johnson)

That, there being no further business, the City Council meeting be adjourned at 11:46 a.m.

CARRIED

Respectfully submitted,

Mayor R. Bratina

R. Caterini
City Clerk



**GENERAL ISSUES COMMITTEE
REPORT 14-015**

(as approved by Council on July 11, 2014)

9:30 a.m.

Monday, July 7, 2014

Council Chambers

Hamilton City Hall

71 Main Street West

Present: Deputy Mayor B. Clark (Chair)
Councillors C. Collins, S. Duvall, J. Farr, L. Ferguson,
T. Jackson, B. Johnson, B. McHattie, S. Merulla, R. Morrow,
J. Partridge, R. Pasuta, M. Pearson, R. Powers,
T. Whitehead

Absent with Regrets: Mayor R. Bratina

**THE GENERAL ISSUES COMMITTEE PRESENTS REPORT 14-015 AND
RESPECTFULLY RECOMMENDS:**

1. **Hamilton Downtown Multi-Residential Property Investment (HDMRPIP) Program - 180-188 Wilson Street, Hamilton (PED14129) (Ward 2) (Item 5.2)**
 - (a) That a conditional loan commitment totalling \$357,000 for GS Maher Property Holdings Ltd. (Garnet Shawn Maher) the registered owner of the property at 180-188 Wilson Street, Hamilton, be authorized and approved under the Hamilton Downtown Multi-Residential Property Investment Program in accordance with the Program's terms and conditions;
 - (b) That the Mayor and City Clerk be authorized and directed to execute a loan agreement together with any ancillary documentation required, to effect recommendation (a) of Report PED14129, in a form satisfactory to the City Solicitor;
 - (c) That the General Manager of the Planning and Economic Development Department be authorized to approve and execute any loan amending agreements, together with any ancillary amending documentation, if required, provided that the terms and conditions of the Hamilton Downtown Multi-Residential Property Investment Program, as approved by City Council, are maintained.

Council – July 11, 2014

2. Hamilton Tax Increment Grant Program (HTICP) - 180-188 Wilson Street, Hamilton (PED14130) (Ward 2) (Item 5.3)

- (a) That a Hamilton Tax Increment Grant Program (HTIGP) application submitted by G.S. Maher Property Holdings Ltd. (Garnet Shawn Maher), owner of the property at 180-188 Wilson Street, Hamilton, for an HTIGP grant estimated at \$58,188.94 over a maximum of a five year period and based upon the incremental tax increase attributable to the redevelopment of 180-188 Wilson Street, be authorized and approved in accordance with the terms and conditions of the Program;
- (b) That the Mayor and City Clerk be authorized and directed to execute the Grant Agreement, attached as Appendix "A" to Report PED14130, in a form satisfactory to the City Solicitor.

3. Temporary Delegated Authority - Hamilton Downtown Multi-Residential Property Investment Program, Hamilton Tax Increment Grant Program, Office Tenancy Assistance Program, Commercial Corridor Housing Loan and Grant Program, Hamilton Community Heritage Fund Loan Program; ERASE Redevelopment Grant Program, LEED Grant Program and Downtown Hamilton/West Harbourfront Remediation Loan Program (PED14131) (City Wide) (Item 5.4)

- (a) That the General Managers of the Finance and Corporate Services Department and Planning and Economic Development Department be authorized and directed to approve loans/grants under the following financial incentive programs administered by the Urban Renewal Section on a temporary basis from October 1, 2014 until the inaugural meeting of the newly elected Council:
 - (i) Hamilton Downtown Multi-Residential Property Investment Program;
 - (ii) Hamilton Tax Increment Grant Program;
 - (iii) Office Tenancy Assistance Program;
 - (iv) Commercial Corridor Housing Loan and Grant Program;
 - (v) Hamilton Community Heritage Fund Loan Program;
 - (vi) ERASE Redevelopment Grant Program;
 - (vii) LEED Grant Program;
 - (viii) Downtown Hamilton/West Harbourfront Remediation Loan Program;
- (b) That staff from the Urban Renewal Section be authorized and directed to report back to the newly-elected Council in February 2015 on details of the loans/grants that were approved by the General Managers of the Finance and Corporate Services Department and Planning and Economic Development Department.

4. Grand River Watershed Water Management Plan (PW14071) (City Wide) (Item 5.5)

That the Grand River Watershed Water Management Plan, attached as "Appendix A" to Report PW14071, be endorsed in principle, as a Plan of best practices.

5. 2015 Budget Process and Schedule (FCS14049/CM14008) (City Wide) (Item 7.1)

That Report FCS14049/CM14008 respecting the "2015 Budget Process and Schedule" be received.

6. Repurchase of 1150 Leaside Road, Hamilton (PED13059(a)) (Ward 4) \ (Item 5.1)

- (a) That the Option to Purchase, duly executed by Hamilton Habitat for Humanity on May 14, 2014, and scheduled to close on or before August 20, 2014, for the land being a vacant, interior parcel of land described as Parts 1, 2 and 3 on Plan 62R-17127, having a frontage of 10.769 metres (35.33 feet) along the south limit of Leaside Road and a rear width of 30.645 metres (100.54 feet), comprising a total area of 2,877 square metres (0.71 acres), identified as PIN 17293-0082, municipally known as 1150 Leaside Road, be approved and completed and the purchase price of \$27,061.03 be charged to Account No. 59257-3560150200 (Property Sales and Purchases), as shown on Appendix "A" of Report PED13059(a);
- (b) That pursuant to Item 4 of Committee of the Whole Report 02-031, approved by Council on September 25, 2002, respecting "Demolition Permit – 1150 Leaside Road (PD02191)", that 1150 Leaside Road in Ward 4 remain as greenspace/parkland with no residential uses;
- (c) That the Mayor and City Clerk be authorized and directed to execute all necessary documents in a form satisfactory to the City Solicitor.

CARRIED

7. Civic Gateway Study (PW14044(b)) (City Wide) (Item 8.1)

That Report PW14044(b) respecting the "Civic Gateway Study" be received.

8. Civic Gateway Study (PW14044) (City Wide) (Outstanding Business List Item) (Item 8.2)

- (a) That Report PW14044 respecting the "Civic Gateway Study" be received;

- (b) That staff continue to investigate the costs involved in installing civic gateway signage, including all design work, locations, etc., for presentation as part of the 2015 budget process.

9. Co-ordination of Road Works and Utilities (PW14073) (City Wide) (Outstanding Business List Item) (Item 8.3)

- (a) That staff be authorized and directed to negotiate agreements with all utilities having plants within city owned road allowances;
- (b) That the Mayor and City Clerk be authorized and directed to execute the agreements in subsection (a) and any associated documents, all in a form satisfactory to the City Solicitor and with content acceptable to the General Manager of Public Works;
- (c) That where utilities fail to enter into negotiations with the City of Hamilton pursuant to subsection (a), that staff be authorized and directed to follow the process for cost apportionment as set out in the Public Service Works on Highways Act (PSWHA).

10. Employee-Related Costs Funded from Capital and Reserves (FCS14052) (City Wide) (Outstanding Business List Item) (Item 8.4)

That Report FCS14052 respecting "Employee-Related Costs Funded from Capital and Reserves" be received.

11. Cancellation of Sale/Lease/Financing between the City of Hamilton and Local 288 for Property Located at 175 Dartnall Road (FCS12033(a)) (City Wide) (Item 8.5)

That Report FCS12033(a) respecting "Cancellation of Sale/Lease/Financing between the City of Hamilton and Local 288 for Property Located at 175 Dartnall Road" be received.

12. Report 14-002 of the Advisory Committee for Persons with Disabilities – May 13, 2014 (Item 8.7)

(a) Response to AODA Accessible Customer Service Standard Review

- (i) That the recommendations of the Ontario Accessibility Standards Advisory Council's review of the Customer Service Standard (attached as Appendix "A" to Report 14-002 of the Advisory Committee for Persons with Disabilities) be endorsed;

- (ii) That a copy of this motion be forwarded to the Premier of Ontario as well as the Ontario Accessibility Standards Advisory Council.

(b) Updated Motion respecting Accessible Housing

That the appropriate staff be directed to prepare a report, in consultation with the Advisory Committee for Persons with Disabilities, on the following:

- (i) To review the current per capita status and future per capita needs of housing for all persons with disabilities in City of Hamilton owned properties;
- (ii) To review the current per capita status and future per capita needs of housing for all persons with disabilities in privately owned or operated not-for-profit housing.
- (iii) To ensure that people with disabilities within the City of Hamilton who require housing because of their accessible needs are not displaced by other people with disabilities, who require housing;
- (iv) To ensure that all design and construction including renovations and retrofits of City owned or operated and privately owned or operated not- for-profit housing, must conform to the City of Hamilton's Barrier Free Design Guidelines.

13. Report 14-002 of the Task Force on Cleanliness and Security in the Downtown Core – May 26, 2014 (Item 8.8)

(a) Enforcement of Nuisance By-Laws in the Downtown Core

- (i) That staff be directed to report on the feasibility of establishing a three-year pilot project between Municipal Law Enforcement staff and the Hamilton Police Services that examines how to better enforce by-laws dealing with nuisance complaints in the Downtown Core;
- (ii) That staff include in the report the possibility of having a full-time Municipal Law Enforcement Officer and a full-time Hamilton Police Services Officer to participate in a pilot project;
- (iii) That staff include in the report information regarding a similar project that is in place in the City of Barrie.

14. Report 14-003 of the Advisory Committee for Persons with Disabilities – June 10, 2014 (Item 8.10)

Establishment of a Working Group respecting Home Caregiver Permits

- (a) That an informal working group of the Accessibility Committee for Persons with Disabilities be established to work with Mr. Ted Arnold, Manager, Parking Operations and Maintenance, Hamilton Municipal Parking System and Mr. Sebastian Stula, Supervisor, Parking Services, to assist in reviewing the City of Hamilton's policy respecting parking permits for home care providers;
- (b) That the working group consist of the following Committee members: Aznive Mallett, Paula Kilburn and Kim Nolan.

15. Report 14-003 of the Hamilton Farmers' Market Sub-Committee – June 12, 2014 (Item 8.11)

(a) Farmers' Market Governance Model (CM12009(c) (City Wide)

That the Terms of Reference/Business Case to create a Municipal Not-for-Profit Corporation for the Hamilton Farmers' Market, as outlined in Appendix "A" attached hereto, be approved.

(b) Hamilton Farmers' Market Pilot Parking Project Extension (FCS14051) (City Wide)

- (i) That the Hamilton Farmers' Market parking validation pilot program be continued until the end of December 2014;
- (ii) That monies identified from stallholder fees within the 2014 budget be re-directed from other priorities to accommodate the continuation of the program for 2014;
- (iii) That staff be directed to complete an investigation of long-term funding options and provide a report and recommendations to the Hamilton Farmers' Market Sub-Committee before December 31, 2014.

16. Report 14-002 of the Hamilton Future Fund Board of Governors – June 24, 2014 (Item 8.12)

(a) Review of the 2013-2014 Hamilton Future Fund Applications

- (i) That the Bach Elgar Choir – Choral Administrator request for a grant in the amount of \$40,560 be denied;

- (ii) That the application from the Centre 3 for Print and Media Arts (The Print Studio) – Digital Studio, Editing Suite and Social Enterprise Project be approved in the amount of \$40,000 from Hamilton Future Fund Account B (#112247) with the following condition:
 - (1) That the funding be used for the purposes of purchasing specialized equipment for the Digital Studio and Editing Suite;
- (iii) That the Fix our World Canada – Establishment of a Hamilton Office request for a grant in the amount of \$140,000 be denied;
- (iv) That the Good Shepherd – Venture Centre request for a grant in the amount of \$128,000 be denied;
- (v) That the Hamilton Centre for Civic Inclusion – Hamilton Youth Inclusion Program request for a grant in the amount of \$61,000 be denied;
- (vi) That the Hamilton Community Foundation – Hamilton Arts Endowment Fund request for a grant in the amount of \$1,500,000 be denied;
- (vii) That the Hamilton Executive Directors Aboriginal Coalition Inc. – Odrohektra – The Gathering Place request for a grant in the amount of \$1,135,072 be denied;
- (viii) That application from the Hamilton Naturalists Club – Pollinators Paradise Project be approved from Hamilton Future Fund Account B (#112247) in the amount of \$80,000;
- (ix) That the Hamilton Public Library – “Love Your City, Share Your Stories” request for a grant in the amount of \$150,000 be approved from Hamilton Future Fund Account B (#112247);
- (x) That application from the Hamilton Victory Gardens – Development of Two Garden Sites be approved from Hamilton Future Fund Account B (#112247) in the amount of \$70,000;
- (xi) That the Help a Child Smile – Long-Term Fund Development and Marketing Strategy request for a grant in the amount of \$60,050 be denied;
- (xii) That the Information Hamilton– Partnership Program Coordinator, Resource Design Consult and Associated Expenses request for a grant in the amount of \$250,920 be denied;

- (xiii) That the Rotary Club of Dundas – Rotary Creekside Parkette request for a grant in the amount of \$360,548 be denied;
- (xiv) That the Royal Botanical Gardens – Rock Garden Rejuvenation Project request for a grant in the amount of \$2,000,000 be denied;
- (xv) That the Stewards of Cootes Watershed – Clean-up Events, Monthly Stewardship, Finding Solutions at their Source request for a grant in the amount of \$405,945 be denied;
- (xvi) That the 447 Wing (City of Hamilton RCAFA) – New Furniture request for a grant in an unspecified amount be denied.

17. Report 14-001 of the Open for Business Sub-Committee – June 25, 2014 (Item 8.13)

(a) “Open for Business” Action Plan – Status Update (PED12164(d)) (City Wide)

That Report PED12164(d), respecting “Open for Business” Action Plan – Status Update, attached as Appendix “A” to Report 14-001 of the Open for Business Sub-Committee, be received.

(b) “Open for Business” Performance Metrics for the Planning and Economic Development Department (PED13179(a)) (City Wide)

That Report PED13179(a), respecting “Open for Business” Performance Metrics for the Planning and Economic Development Department, attached as Appendix “B” to Report 14-001 of the Open for Business Sub-Committee, be received.

(c) AMANDA Review and Analysis (PED14134) (City Wide) (Item 6.3)

That funding for the initiative by the Planning and Economic Development Department to complete a comprehensive review, critical analysis and strategic implementation of the AMANDA application be approved as follows:

- (i) \$135,000 from the Economic Development Investment Reserve (112221);
- (ii) \$20,000 from the Parking Capital Reserve (108021) resulting in no impact on the levy for this project.

(d) One-Stop Staffing and Operation Requirements (PED14136) (City Wide)

- (i) That due to the current volume of work, the existing License Facilitator contract position in the One-Stop Centre be extended for a period of 12 months and that this temporary position be funded from the Economic Development Initiatives Account No. 59257-3560150200;
- (ii) That an additional full-time employee (FTE) - Front Counter Licensing Clerk - be hired to maintain the current staff complement at the One-Stop Centre and be funded interimly through the Economic Development Initiatives Reserve and the additional FTE be submitted as an enhancement to the 2015 Operating Budget;
- (iii) That similar to the current practice with the Building Division, a dedicated "Hot-line" be installed from the One-Stop Centre to a designated Senior staff member in the Licensing Section, Parking and By-law Services Division;
- (iv) That the three Planning staff currently assigned to the One-Stop Centre be cross trained in Municipal Licensing practices, By-laws, etc. thereby providing improved customer service and complete coverage and management of the One-Stop during vacations and staff absences.

18. Additional Funding for Renovation/Construction of Dressing Rooms – Spring Valley Arena, Ancaster (Item 9.1)

That additional funding in the amount of \$750,000 be approved for the renovation and construction of the dressing rooms at Spring Valley Arena in Ancaster and be funded as follows:

- (a) \$675,000 from Development Charge Reserve Account No. 110320;
- (b) \$75,000 re-appropriated from Capital Project No. 354145004 to Project No. 7101454403 – Spring Valley Change Room Expansion.

19. National Slo-Pitch Athletics Enterprises of Canada (NSA Canada) – Field Rental Rates (Item 9.2)

- (a) That the total field rental fees required for the Canada Ontario Provincial Coed World Series Championships and the Ontario Provincial Men's & Women's World Series Championships Canada tournaments at Turner Park in 2014 be reduced from \$30,000 to \$23,000;

- (b) That staff be directed to enter into negotiations with the National Slo-Pitch Athletics Enterprises of Canada (NSA Canada) on the understanding of reaching a formal agreement to host the three tournaments at Turner Park for an additional five years and to partner with NSA Canada to offset costs associated with capital upgrades to Turner Park over a five year period;
- (c) That staff report back to the Emergency and Community Services Committee with recommendations for a potential agreement with the NSA Canada.

20. Land Acquisition – 85 Mary Street, Hamilton (PSB10011(a)) (City Wide) (Item 12.1)

That the property identified as 85 Mary Street be reallocated for utilization as part of the new Hamilton Police Services Investigative Services/Forensic Facility in conjunction with all other acquired properties bordered by Rebecca, Mary, Wilson and Catherine Streets.

21. Hamilton Municipal Parking System – Renewal of Parking Lease (Car Park #80), 191 King Street West and 22-30 Bay Street South, Hamilton (PED14097(a)) Ward 2) (Item 12.2)

- (a) That Report PED14097(a) respecting “Hamilton Municipal Parking System – Renewal of Parking Lease (Car Park #80), 292 King Street West and 22-30 Bay Street South, Hamilton” be received;
- (b) That the contents of Report PED14-097(a) remain confidential.

22. Parkland Acquisition – 63 Cannon Street East, adjacent to McLaren Park (PW14072) (Ward 2) (Item 12.5)

- (a) That the Real Estate Section of the Planning and Economic Development Department be authorized and directed to enter into negotiations with 1419514 ONTARIO INC. to purchase the land (63 Cannon Street East) Lot 9 Nathaniel Hughson Survey (unregistered), on the north east angle of Cannon and John Streets; Part of Lot 10, Nathaniel Hughson Survey (unregistered), east side of John Street, between Cannon Street and Robert Street, as in Instrument Number CD1147 in the City of Hamilton being all of PIN 17161-0117 (LT) comprising of an area of approximately 0.07ha (0.18 acres) City of Hamilton as shown on Appendix “A” attached to Report PW14072;

- (b) That the Mayor, City Clerk and Legal Services be directed to execute all documents related to the purchase of property identified in Recommendation (a) of Report PW14072;
- (c) That staff be directed to report back to the General Issues Committee regarding the final negotiated value of the land acquisition and investigations as outlined in sub-section (b) of Confidential Report PW14072;
- (d) That the financial details of the acquisition of 63 Cannon Street East remain confidential until the completion of the transaction and that the balance of Report PW14072 not be released as a public document following its approval by City Council.

23. Contaminated Property and Related Potential Litigation (PW14077/LS14029) (Ward 3) (Item 12.6)

That the contents of Report PW14077/LS14029 remain confidential.

24. Hamilton Municipal Parking System - Renewal of Parking Lease (Car Park #80), 191 King Street West and 22-30 Bay Street South, Hamilton (PED14097) (Ward 2) (Item 8.6)

- (a) That City Council approve a lease renewal agreement with Leggat Investments Limited and Oakland "6" Limited, subject to the following terms and conditions:
 - (i) **Term:** Five years commencing October 1, 2014, and terminating on September 30, 2019, together with a five year renewal option;
 - (ii) **Property:** Car Park #80, 191 King Street West and 22-30 Bay Street South, Hamilton, comprising a gross area of 67,882 square feet (205 parking spaces) located at the south-west corner of Bay Street South and King Street West, including frontage along George Street;
 - (iii) **Rental Rate:** From the date of commencement, being October 1, 2014, the City shall pay net annual rent of \$235,000 plus H.S.T. in the first year, escalating by \$10,000 per year plus H.S.T. In the final year, the rent will have grown to \$275,000 year;
 - (iv) **Operating Costs:** The City is responsible for all operating costs, save and except property taxes, which are exempted;

- (v) **Renewal Option:** Upon six months' notice before expiry of the five year term, (September 30, 2019) the City of Hamilton will have the option to renew the lease for an additional five year term under the same terms and conditions, save for the rental rate, which will be negotiated at the prevailing market rate;
- (vi) **Parking Passes:** Each landlord, i.e. Leggat Investments Limited and Oakland "6" Limited, will be given one parking pass allowing it to park at the Hamilton Convention Centre for free (two passes in total);
- (b) That all rent and operating expenses be charged to Dept ID 490305 King and Bay;
- (c) That the Mayor and City Clerk be authorized and directed to execute the Lease in a form satisfactory to the City Solicitor.

FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

The Committee Clerk advised that there were no changes to the agenda.

The agenda was approved as presented.

(b) DECLARATIONS OF INTEREST (Item 2)

Item 12.4 Public Works (Roads) Arbitration Update

Councillor R. Pasuta declared a conflict of interest in this item as he has a family member who is employed in the City's Public Works Department.

(c) APPROVAL OF PREVIOUS MINUTES

(i) Minutes of the June 18/23 and June 18, 2014 Meetings (Items 3.1 and 3.2)

The Minutes of the June 18/23, 2014 regular meeting and June 18, 2014 special meeting of the General Issues Committee were approved, as presented.

(d) CONSENT

Item 5.1 respecting “Repurchase of 1150 Leaside Road, Hamilton” (PED13059(a)) was moved to the Discussion Agenda.

(e) PRESENTATIONS

(i) 2015 Budget Process and Schedule (FCS14049/CM14008) (City Wide) (Item 7.1)

Chris Murray, City Manager, provided introductory remarks to the budget presentation and indicated that he would be speaking to the “Evolution of Business Planning”, and Mike Zegarac, General Manager of Finance and Corporate Services, will be presenting the 2015 Budget Schedule.

With the assistance of a PowerPoint presentation, Mr. Murray spoke to the following:

Evolution of Business Planning

- Council Direction – Strategic Plan
- City’s Journey – 2008-2018
- City Services
- What is Financial Sustainability
- Current Business Plans
- A Prosperous and Healthy Community
- Current Process
- Guiding Documents: Corporate Culture Pillars, Community Vision, Strategic Plan, Integrated Business Plans and Budgets, Operation and Individual Work
- Business Planning Concept
- Conditions for Success
- City’s Journey

With the assistance of a PowerPoint presentation, Mr. Zegarac spoke to the following:

- No Budget GIC meetings until January 2015
- Presentation of budgets will start with an overview presentation in mid-January and include all the major components:
 - Rate Operation and Capital
 - Tax Capital
 - Tax Operating
 - User Fees

A copy of the presentation was submitted to the Clerk for the public record and can be viewed on the City of Hamilton website.

The presentation respecting the “2015 Budget Schedule and Process” was received.

The City Manager was authorized and directed to prepare a Terms of Reference for the establishment of a Committee for the purpose of overseeing the evolution of the City’s Business Planning and the integrated budget process, such Terms of Reference to include mandate, composition, term of Committee, reporting structure, frequency of meetings for the consideration of the General Issues Committee.

(f) DISCUSSION ITEMS

(i) Civic Gateway Study (PW14044) (City Wide) (Outstanding Business List) (Item 5.2)

Councillor J. Partridge indicated that she wished to be recorded as opposed to this item.

(ii) Hamilton Municipal Parking System – Renewal of Parking Lease (Car Park #80), 191 King Street West and 22-30 Bay Street South, Hamilton (PED14097(a)) (Ward 2) (Item 8.6)

Discussion of Item 8.6 was deferred pending discussion of In Camera Item 12.2.

Report PED14097(a) respecting “Hamilton Municipal Parking System – Renewal of Parking Lease (Car Park #80), 191 King Street West and 22-30 Bay Street South, Hamilton” was lifted from the table.

(iii) Report 14-001 of the Hamilton Future Fund Board of Governors – May 29, 2014 (Item 8.9)

Hamilton Future Fund Application Review

The following organizations were requested to make a presentation to the Board of Governors of the Hamilton Future Fund regarding their application to the Fund:

- Centre3 for Print and Media Arts (The Print Studio)
- Hamilton Community Foundation
- Hamilton Naturalists Club
- Hamilton Public Library
- Hamilton Victory Gardens
- Rotary Club of Dundas
- Royal Botanical Gardens

The Committee Clerk was directed to contact the organizations named above and make the appropriate arrangements for them to present to the Board of Governors of the Hamilton Future Fund.

(g) MOTIONS

(i) Additional Funding for Renovation/Construction of Dressing Rooms – Spring Valley Arena, Ancaster (Item 9.1)

See Item 18 for the disposition of this item.

Councillor S. Duvall indicated that he wished to be recorded as being opposed to this item.

Staff was directed to provide a one-page report prior to the July 11 Council meeting providing additional details relative to what the renovations will entail.

(ii) National Slo-Pitch Athletics Enterprises of Canada (NSA Canada) – Field Rental Rates (Item 9.2)

The following is the preamble to the above-noted motion:

WHEREAS the National Slo-Pitch Athletics Enterprises of Canada (NSA Canada) has hosted the NSA Canada Men's & Women's World Series for the last five years at Turner Park in the City of Hamilton;

WHEREAS the NSA Canada has hosted the NSA Canada Ontario Provincial Coed World Series Championships and the Ontario Provincial Men's & Women's World Series Championships for the last two years at Turner Park in the City of Hamilton;

WHEREAS the NSA Canada tournaments generate approximately \$1.2M in local economic activity on an annual basis;

WHEREAS the NSA Canada promotes the City of Hamilton amongst its members year round as a premier sport destination;

WHEREAS the NSA Canada is prepared to negotiate a formal agreement to host their tournaments for another five years at Turner Park and partner with the City to offset the costs of capital upgrades to Turner Park (install permanent fencing).

See Item 19 for the disposition of this item.

(h) OTHER BUSINESS/GENERAL INFORMATION

**(i) Revised Due Dates for Items on the Outstanding Business List
(Item 11.1)**

The revised due dates for the following items on the Outstanding Business List were approved and the List was amended accordingly:

(aa) Item CC: PW Fleet Service Delivery Review
Due Date: July 7, 2014
Revised Due Date: September 17, 2014

(bb) Item NN: Assessment of Legal Fees
Due Date: July 7, 2014
Revised Due Date: September 4, 2014

(ii) Items to be Removed from the Outstanding Business List (Item 11.2)

The following items were deemed complete and removed from the Outstanding Business List:

(aa) Item Q: Co-ordination of Road Works and Utilities (Item 8.3 – July 7 GIC)

(bb) Item HH: Municipal Liability Reform (April 2 GIC)

(cc) Item LL: Opera Hamilton (Correspondence from Theatre Aquarius) (June 18 GIC)

(dd) Item PP: Correspondence from the Grand River Conservation Authority re: Watershed Management Draft Plan (Item 5.5 – July 7 GIC)

(ee) Item TT: Hamilton Municipal Parking System – Renewal of Parking Lease (Items 8.6/12.2 – July 7 GIC)

(i) PRIVATE & CONFIDENTIAL

The Committee moved into closed session at 1:20 p.m. pursuant to sub-sections 8.1(b), (c), (d), (e) and (f) of the City's Procedural By-law and Section 239.2 of the Municipal Act, 2001, as amended, as the subject matters pertained to:

(i) Sub-section (c) – a proposed or pending acquisition or disposition of land for municipal or local board purposes respecting Land Acquisition – 85 Mary Street, Hamilton (Item 12.1);

- (ii) Sub-section (c) – a proposed or pending acquisition or disposition of land for municipal or local board purposes respecting Hamilton Municipal Parking System – Renewal of Parking Lease (Car Park #80), 191 King Street West and 22-30 Bay Street South, Hamilton (Item 12.2);
- (iii) Sub-section (e) – litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board respecting HECFI Contract (Item 12.3);
- (iv) Sub-section (d) – labour relations and employee negotiations respecting Public Works (Roads) Arbitration Update (Item 12.4);
- (v) Sub-section (c) – a proposed or pending acquisition or disposition of land for municipal or local board purposes respecting Parkland Acquisition, 63 Cannon Street East, adjacent to McLaren Park (Item 12.5);
- (vi) Sub-section (e) – litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; and Sub-section (f) – the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose, respecting Contaminated Property and Related Potential Litigation (Item 12.6)

The Committee reconvened in Open Session at 2:49 p.m.

(i) Land Acquisition – 85 Mary Street, Hamilton (PSB 10-011(a)) (Item 12.1)

See Item 20 for the disposition of this item.

Councillor T. Whitehead indicated that he wished to be recorded as being opposed to this item.

(ii) Hamilton Municipal Parking System – Renewal of Parking Lease (Car Park #80), 191 King Street West and 22-30 Bay Street South, Hamilton (PED14097 (a)) (Ward 2) (Item 12.2)

See Item 21 for the disposition of this item.

(iii) H.E.C.F.I. Update (Item 12.3)

No action to be reported.

(iv) Public Works (Roads) Arbitration Update (Item 12.4)

No action to be reported.

(iii) Parkland Acquisition, 63 Cannon Street East, adjacent to McLaren Park (PW14072) (Ward 2) (Item 12.5)

See Item 22 for the disposition of this item.

(iv) Contaminated Property and Related Potential Litigation (LS14029/PW14077) (Ward 3) (Item 12.6)

The City Solicitor and the General Manager of Public Works were authorized and directed to take all necessary steps in accordance with the Executive Summary of Report PW14077/LS14029 and report back to the General Issues Committee;

See Item 23 for the disposition of this item.

(j) ADJOURNMENT

There being no further business, the Committee adjourned at 2:57 p.m.

Respectfully submitted

Councillor B. Clark
Deputy Mayor

Carolyn Biggs
Legislative Co-ordinator
Office of the City Clerk

HAMILTON FARMERS' MARKET

TERMS OF REFERENCE

June 2, 2014

INTRODUCTION

Effective corporate governance is essential to the success of all organizations, regardless of whether they exist in the public, private or not-for-profit sectors. Strong governance practices can generate several benefits including enhanced management of resources, revenue maximization, strategic and integrated planning, communications enhancements, increased market responsiveness and higher levels of trust and confidence for all stakeholders including the public.

In an effort to strengthen governance practices regarding the management of the Hamilton Farmers' Market, the City of Hamilton is proposing the creation of a not-for-profit corporation, tentatively named Hamilton Farmers' Market Corporation (hereinafter referred to as "Market Corporation"), pursuant to Ontario Regulation 599/06 passed under the *Municipal Act, 2001*.

Not-for-profit corporations are organizations that carry on activities without pecuniary gain. They are incorporated under Part III of the *Corporations Act* as corporations without share capital. Such corporations are carried on without the purpose of gain for its members, and any profits or other accretions are used in promoting their objects.

Prior to establishing a municipal services corporation, Ontario Regulation 599/06 requires a municipality to adopt a business case study. This document has been prepared to satisfy such requirement. Please note that the publication of this document will be followed by discussions with City Council and staff, and therefore the final composition and operation of Market Corporation may be different than that envisioned by this document.

It is proposed that Market Corporation will share core operating principles with the City of Hamilton:

Accountability - for actions, cost-effective and sustainable use of public resources

Cost Consciousness - value for taxpayer dollars spent

Equity - provide equitable access to municipal services and treat all people fairly

Excellence - a commitment to meeting and exceeding identified standards

Honesty – truthfulness and integrity

Innovation – encourage forward thinking of continuous improvement and creativity

Leadership - demonstrating qualities to motivate effective decisions and successes

Respect - to treat ourselves and others as we would like to be treated

Teamwork - working toward common goals, through cooperation and partnership

BACKGROUND

The Hamilton Farmers' Market has existed in downtown Hamilton since 1837 as a central anchor of commercial food related activity and social hub in the heart of the City. The Market has evolved over the years occupying various physical structures and outbuildings all within close geographic proximity to the vicinity of the original Market site at York and James Streets. In 1980, the City of Hamilton built a new joint Market / Library facility on York Boulevard. The Hamilton Farmers' Market continues to occupy this facility that in 2011 received significant capital upgrading.

From the beginning, the Hamilton Farmers' Market has been governed by one or other municipal committees, structure or department. A wide and non-thorough view of the historical governance of the Market could include the Market Committee beginnings through the mid-nineteenth century; the Market, Fire and Police Committee through the 1880's, Market Committee (1905), Property & Licensing Committee (1920's), Legislation and Fire Committee (1980's), City Clerk's Office (1990's), Culture Division (2005), Emergency and Community Services Department (2013) and Corporate Services Department (2014).

In 2005, the City of Hamilton contracted Urban Marketing Collaborative, a consultant group associated with London's Covent Garden, to conduct a business review of the Hamilton Farmers' Market. One objective of the review was to recommend a governance model for operating the Market. Three options were presented to Council. The consultants strongly recommended a not-for-profit corporation owned by the City of Hamilton as the most appropriate model to adopt. The report outlining this recommendation was not pursued as a Council Agenda item and was not reviewed by Council.

The substantial 2011 capital renovation to the Market facility concluded with a mixed response from both the public and the stallholders. The resulting situation has put increased pressure on the working relationship between the public, stallholders, food producers and the City of Hamilton. The Hamilton Farmers' Market current governance structure does not allow for effective enforcement of licences, by-laws and standards, and it limits input from key stakeholders, including stallholders, resulting in a lack of clear direction. The bureaucratic nature of the Market means that it is neither able to move quickly enough to respond to day-to-day operations nor take advantage of opportunities for enhancement and improvement. The governance structure of the Market must change in order for the Market to succeed.

The not-for-profit model allows for running market operations in a business-like manner while still maintaining social and community goals and allowing for a broad range of stakeholders to be involved. A relevant example working well in Canada is the Forks Market in Winnipeg which is managed by a Community Development Corporation. Four public markets in Montreal (Atwater, Jean-Talon, Maisonneuve and Lachine) are also successfully run by a not-for-profit corporation, the Corporation de

Gestion des Marchés Publics de Montréal. In Ontario, 5 year-round markets are also run by not-for-profit organizations.

A not-for-profit corporation is the best long-term solution for the preservation and development of the Hamilton Farmers' Market. The goal of this approach is to establish a direction based on what is the best governance model to serve the mission of the Market as a valued food, public health, cultural, social and economic institution for the people of Hamilton.

OBJECTIVES

The City of Hamilton recognizes that a different governance model is prudent to oversee and enhance the operations and management of the Hamilton Farmers' Market that presently occupies a City-owned facility. A number of benefits can be realized from more strategic management and co-ordination through the following objectives:

- Market Corporation will improve the governance and management of the Hamilton Farmers' Market by facilitating decision making processes that are timely and well informed by all relevant stakeholders.
- Market Corporation will, by following a strategic course, reduce with a goal to eliminate the need for City subsidy excluding capital investments required to maintain and enhance its capital assets.
- Market Corporation's Board of Directors will oversee updates to stall licence agreements, creation of promotional event plans and establish other operating parameters to ensure the growth and success of the Market.

MANDATE

The Hamilton Farmers' Market is an historic and central public community gathering place for the commercial activity of buying and selling locally produced food and international food products. It stimulates Hamilton's agricultural economy and provides opportunities for independent food related businesses. It provides healthy food for families to assist Hamilton to be the best place in Canada to raise a child. It promotes innovation, engages citizens and provides diverse economic opportunities.

MARKET MISSION STATEMENT

- The Hamilton Farmers' Market will be a central public community gathering place for the commercial activity of buying and selling locally produced food, international food, and local artisan products.

- It will stimulate Hamilton's agricultural economy and provide opportunities for independent food related businesses.
- The Hamilton Farmers' Market will provide healthy food for families to assist Hamilton to be the best place in Canada to raise a child.
- The Hamilton Farmers' Market will promote innovation, engage citizens and provide diverse economic opportunities.

STAKEHOLDER VISION

- An engaging experiential destination – vibrant, colourful, – a unique shopping experience where Stallholders prosper
- Mostly about food (70-75%) with the balance including complimentary products and artisans:
 - Food grown as locally as reasonable (Ontario) plus imported ethnic foods and food not grown locally or out of season locally
 - Ready to eat foods prepared fresh in the Market with aromas filling the air
 - Food education in various forms from expert Stallholders and guests
- Product mix that evolves – supports today's diverse community needs and anticipates and prepares for Market changes
- More 'farmer friendly' to attract more local farmers - In layout, term, and rate flexibility
- A competitive advantage through unique products, expertise, and personal relationships generally not found in large grocery stores
- Convenient – easy to find & to park, inviting to enter, customer friendly, easy to pay, and easy to transport purchases home or to business
- The preferred shopping destination for local restaurants

GOALS

- The Hamilton Farmers' Market Not-For-Profit Corporation will improve the governance and management of the Hamilton Farmers' Market by facilitating decision making processes that are timely and well informed by all relevant stakeholders.
- The Hamilton Farmers' Market Not-for-Profit Corporation will, by following a strategic course, reduce, with a goal to eliminate, the need for City subsidy excluding capital investments required to maintain and enhance its capital assets.
- The Hamilton Farmers' Market Corporation Board of Directors will administer and enforce Stallholder agreements, review and approve a Market Strategic Plan, and an annual Operating Plans that includes detailed initiatives and performance measurements in such areas as Finance, Marketing, Operations and Facilities, to ensure the growth and success of the Market.

CORE VALUES

It is proposed that the new corporation, structured under the Ontario *Corporations Act* will share core values with the City of Hamilton

- Accountability - for actions, cost-effective and sustainable use of public resources.
- Cost Consciousness - value for taxpayer dollars spent

- Equity - provide equitable access to municipal services and treat all people fairly.
- Excellence - a commitment to meeting and exceeding identified standards.
- Honesty – truthfulness and integrity.
- Innovation – encourage forward thinking of continuous improvement and creativity.
- Leadership - demonstrating qualities to motivate effective decisions and successes
- Respect - to treat ourselves and others as we would like to be treated.
- Teamwork - working toward common goals, through cooperation and partnership.

GUIDING PRINCIPLES

The guiding principles for the Hamilton Farmers' Market are, and consequently for Market Corporation will be:

- values local food growers and producers by providing commercial venue to sell direct to the citizens of Hamilton
- providing residents with access to high quality, nutritious, locally grown food
- strengthens the local economy by purchasing locally grown food wherever possible
- promotes relationships and opportunities between farmers, food producers, independent food merchants, consumers and the general public
- offers a diversity of fresh food products including international and speciality foods
- fosters an economically, ecologically and socially sustainable community

STRATEGIC PRIORITIES WITH THE CITY OF HAMILTON

The proposed new governance model aligns with the City of Hamilton's 2012-2015 Strategic Plan as follows:

Strategic Priority #1 – A Prosperous & Healthy Community

to enhance our image, economy and well-being by demonstrating that Hamilton is a great place to live, work, play and learn.

Strategic Priority #2 - Valued & Sustainable Services

to deliver high quality services that meet citizen needs and expectations, in a cost effective and responsible manner.

Strategic Priority #3 - Leadership & Governance

to work together to ensure we are a government that is respectful towards each other and that the community has confidence and trust in.

GOVERNANCE

Unlike for-profit corporations, not-For-profit corporations have "members" and not "shareholders". In order to allow the City of Hamilton to provide assistance from time-to-time to Market Corporation, the City of Hamilton must be the sole voting member of the corporation.

Market Corporation will be subject to established objectives aligned with the City's interests. In addition to their duty to act honestly, in good faith and in the best interests of the corporation, the following principles will govern the operations, services and activities of Market Corporation's Board of Directors:

Collaboration –Directors will work to foster and reinforce a collaborative relationship and shared values among all parties and recognize that the interface between the worlds governed by the *Municipal Act, 2001* (public sector) and the *Corporations Act* (business sector) requires mutual respect, understanding, flexibility and regular communication.

Transparency –Directors will adhere to clearly articulated reporting and approval requirements as deemed necessary by Council to ensure transparency and accountability.

Independent and skills-based Board – The Board of Directors will be recognized and regarded by the City of Hamilton as independent and skills-based. The Board of Directors will be responsible for ensuring effective management and contributing to the efficacy of the operations as well as sharing experiences and best practices.

Integration and co-ordination – The unique overlapping community interests and business capabilities of the Market Corporation with the City of Hamilton—are important components of an integrated and co-ordinated approach to excellence in asset management. The guiding principles flow from the foundational values of leadership, accountability, sustainability and regular, open communication.

Conflict of Interest – Pursuant to Pursuant to Ontario Regulation 599/06 of the *Municipal Act*, the directors and officers of Hamilton Farmers' Market Not-For-Profit Corporation will be deemed to be members for the purposes of the *Municipal Conflict of Interest Act*. This will disallow a Director from voting on matters in which he or she has a pecuniary interest.

BOARD OF DIRECTORS & OFFICER QUALIFICATIONS

The Board of Directors will supervise the management of the business and affairs of the Hamilton Farmers' Market, and, in so doing, will act honestly and in good faith with a view to the best interests of the corporation and will exercise the same degree of care, diligence and skill that a reasonably prudent person would exercise in

comparable circumstances.

In addition to sound judgment and personal integrity, the qualifications of candidates for the Board of Directors may include:

- experience on boards of significant public entities;
- financial, accounting and/or marketing experience;
- knowledge and experience with management strategies;
- knowledge of farming, food producers, food agents, and the Hamilton Farmers' Market; and
- relevant business expertise and industry knowledge.

The Board of Directors will be selected by City Council, following the City of Hamilton's Selection Committee process. It is recommended that the Board of Directors initially consist of four stallholders (50% being farmers / producers), two City Councillors (depending on availability), and five members of the general public with a broad range of skills including finance, marketing, retail, food production, farming, and food distribution. Ex officio members will include the General Manager of the Market and a staff representative from Public Health Services. Subcommittees of the Board may be created by the Board as required, in order to provide unique expertise or to complete special projects on behalf of the Board.

Board candidates must be residents of or employed in Hamilton.

The term for each Director of Market Corporation will be:

- for City Councillors, the term of Council; and
- for all other members, two years with an option to extend for two additional years.

CORPORATE BY-LAW

A corporate by-law will be prepared to govern such organizational matters as the duties of Officers, how to call meetings, and creation of committees.

The Board will have the following officers: Chair, Vice-Chair, Secretary, Treasurer and General Manager.

The Chair will be elected at the first meeting of the Board in each year, will hold office for one year and may be re-elected for a maximum of one additional consecutive year. The primary role of the Chair of the Board will be to ensure the proper functioning of the Board and the proper conduct of Board business, in accordance with all relevant legislation and with the rules of procedure adopted by the Board.

The Chair's responsibilities will include:

- presiding at regular and special meetings of the Board in the manner and extent prescribed by the Board;
- committing the Board to no course of action unless specifically authorized by the Board to do so;
- serving as an *ex officio* member of all Board committees;
- only the Chair may represent and speak for the Board in an official capacity to outside parties in announcing Board-stated positions and in stating Chair decisions;
- acting as one of the authorized signing officers of all documents pertaining to Board business;
- representing the Board, alone or with other members of the Board, at any public or private meetings for the purpose of conducting, promoting or completing the business of the Board;
- notifying the Vice-Chair, if for any reason, the Chair is unable to perform these functions.

The Vice-Chair will be elected at the first meeting of the Board in each year, will hold office for one year and may be re-elected for a maximum of one additional consecutive year. The Vice-Chair, in the absence or illness of the Chair, will act in the place of the Chair.

The Board will also appoint a Secretary and Treasurer at its first meeting.

The Board will appoint a General Manager, who will hold office until the Board rescinds the appointment or a new appointment is made. The General Manager will be responsible, under the supervision of the Board, for the general conduct and management of the Hamilton Farmers' Market. The Board will be responsible for monitoring of job performance. Monitoring is simply to determine the degree to which Board policies and strategic priorities are being met. Only decisions of the Board are binding on the General Manager. Decisions or instructions of individual Board members, officers or committees are not binding on the General Manager except in rare circumstances when the Board has specifically authorized or delegated such exercise of authority. In the case of Board members or committees requesting information or assistance without Board authorization, the General Manager can refuse such requests.

It is envisioned that over time, the General Manager will be the Board's only link to operational achievement and conduct, so that authority and accountability of Market staff, as far as the Board is concerned, is considered to be authority and accountability of the General Manager.

Board members must avoid any conflict of interest with respect to their fiduciary responsibility by adhering to the regulations of the *Municipal Conflict of Interest Act*. There must be no self-dealing or any conduct of private business or personal services between any Board member and the organization except as procedurally

controlled to assure openness, competitive opportunity and equal access to inside information. Board members must not use their positions to obtain employment in the organization for themselves, family members or close associates. Should a member desire employment, he or she must first resign. Members must annually disclose their involvements with other organizations, with stallholders, or any other associations that might produce a conflict.

Members must respect the confidentiality appropriate to issues of a sensitive nature and understand that it is the Chair's role to represent and speak on behalf of the Board.

In the event of a vacancy occurring on the Board, the Board must advise the Clerk of the City of Hamilton and request that a new member be appointed to fill the vacancy. In the event of a vacancy occurring during the year in office of Chair or Vice-Chair, the Board at its first regular meeting thereafter must elect a new Chair or Vice-Chair to serve for the remainder of the elected time in that office.

Members of the Board who must resign before the end of their term of appointment on the Board must inform both the Clerk of the City of Hamilton and the Secretary of the Board in writing, specifying the effective date of their resignation.

Election of the Chair, Vice-Chair, Secretary and Treasurer will take place annually at the Board's inaugural meeting. The new Chair will take the chair immediately after elections have been completed.

A regular meeting of the Board will be held monthly, with the exception of July and August, at a place and time as is agreed upon by the Board. Written notice of all regular meetings together with the proposed agenda and the minutes of the immediately preceding regular meeting and of any special meetings shall be communicated to each member of the Board at least three days in advance of such meetings.

The Chair may, or upon the written request of any four members of the Board must, call a Special Meeting by giving, through the Secretary or designate, at least two days written notice to each member, specifying the purpose for which the meeting is called. The purpose of a Special Meeting must be specific. No business will be transacted or considered at such a meeting other than that specified in the notice.

In the first year of its term, the Board will hold its annual inaugural meeting at a place and time to be determined by the General Manager, provided that such meeting is held within 30 days of the appointment of its sole voting member (i.e. the City of Hamilton). In the subsequent years of its term, the Board will hold its regular January meeting and the annual meeting will take place immediately following.

Board members are expected to attend all meetings of the Board. Any member who must be absent from a meeting must advise the Secretary in advance. In any event,

absence from three consecutive meetings of the Board will result in the member's disqualification from the Board unless the member is 'excused for cause' by a motion of the Board. The Secretary will record the names of members in attendance in each meeting of the Board and of its committees.

A quorum, which will be a majority of the Board, must be present for the transaction of business at a meeting. If a quorum is not present within 15 minutes after the hour for which any Board meeting has been called, the Secretary will record the names of such members present and the Board will stand adjourned. Nothing in the foregoing will prohibit the members in attendance for a regular meeting, when no quorum is present, from constituting themselves as a committee dealing with such agenda items as they see fit. However, no decisions taken at such meeting may be executed until ratified by motion at a regular meeting of the Board or, when time is of the essence, written approval of such decisions may be obtained from a majority of the members of the Board.

All members of the Board (including the Chair) will vote on all questions unless they have declared an interest in the matter. Any motion on which there is an equality of votes will be deemed to be lost. Motions will be carried by a simple majority of those present except as otherwise provided for in the corporate by-laws. Notice of motion given at the previous meeting and two-thirds majority vote is required for a motion to reconsider a lost motion, and a motion to amend the by-laws.

All motions other than routine business or those arising out of reports from standing or special committees may be ruled out of order unless the mover gives notice at least seven days before the meeting at which said motion is presented. Notice of motion, in writing, must be delivered both to the Secretary and to all members of the Board seven days before the Board meeting.

The rules and practice set out in *Robert's Rules of Order* will govern wherever applicable in all cases not specifically provided for in the corporate by-laws.

The order of business at regular meetings of the Board will be as follows, subject to the discretion of the Chair:

1. Discussion
2. Acceptance of the Agenda
3. Minutes
4. Declarations of Conflict of Interest
5. Presentations
6. Consent Items
7. Business Arising from the Minutes
8. Correspondence
9. Reports
10. New Business
11. Private and Confidential
12. Date of Next Meeting

13. Adjournment

Members of the public may make verbal presentations to the Board as a delegation with the permission of the Chair or upon written notification to the Secretary.

The Secretary or designate will keep minutes of every meeting of the Board. The minutes will be confirmed by motion at the next following Board meeting.

Ad Hoc Committees may be appointed by the Board to deal with special issues assigned by the Board. Such committees report to the Board and will be dissolved immediately upon making their final report to the Board. A committee may have any number of members. The Board will name a chair for each ad hoc committee. A quorum for all committees will be the majority of members. Committees will meet when required at the call of the committee chair. The Chair of the Board will be a member of all committees of the Board *ex officio*. The Secretary of the Board or designate will attend all committee meetings and will be the Secretary of all committees.

An Executive Committee may be appointed by the Board as required. This committee will consist of four members, one of whom will be the Chair of the Board. The Executive Committee will exercise all of the powers of the Board during the months of July and August or any other specific time period, subject to any restrictions that may be imposed upon it from time to time by the Board. The Chair of the Board will appoint alternate members as required in the event that any member(s) of the Executive Committee is unable to attend a meeting of the committee. The Committee will meet at the call of the Chair and a quorum will consist of three members.

The Board should consider establishing an Audit Committee composed of four members, and appointed by the Board annually at the first meeting of each year of the Board's term. The Audit Committee would oversee the financial reporting process, monitor the choice of accounting policies and procedures, and monitor internal control procedures to ensure the effective development and maintenance of adequate financial controls and reporting.

Board meetings will be open to the public except for in camera sessions. An in camera session of the Board may be held when permitted by the *Municipal Act, 2001* (e.g. to discuss personal matters about an identifiable individual, including employees of Market Corporation). An in camera session will be held if the subject matter relates to the consideration of a request under the *Municipal Freedom of Information and Protection of Privacy Act*. The decision to go in camera must be confirmed by the Board or Board Committee in the form of a motion, stating the general nature of the matter to be considered. An in camera session will be ended by a motion that the regular session be resumed. Any actions determined during an in camera session must be authorized by Board motion passed during regular open

session and recorded in public minutes, unless otherwise provided in the corporate by-laws.

Citizen appointees will be paid no salary, fees or honorarium for their services. However, any member of the Board may be reimbursed for their actual, out of pocket expenses and travel costs, incurred as a result of their acting either within or outside the municipality in their capacity as members of the Board. Such payments must be allowed for in the budget that is approved by the Board and Council and the expenses must have been incurred with the prior approval of the Board.

RELATIONSHIP TO THE CITY

As the sole voting member, the City of Hamilton expects that Market Corporation will oversee the management responsibility and general oversight of the daily operations, communications and strategic planning of the Hamilton Farmers' Market that is housed in the City-owned facility at 35 York Boulevard.

Market Corporation will enter into an Operating Agreement with the City of Hamilton to clearly identify the rights and responsibilities of each party. There will be a transition period whereby the existing staff, operating budget and operating procedures will remain in place from the time Market Corporation is created until the Operating Agreement is signed by Market Corporation and the City. During this transition period, consultations will take place between the City and the new Board regarding services required by Market Corporation from the City, such as capital funding, utilities and short-term operating funding, together with related costs. Consultations will include Human Resources, Finance, Legal Services, IT and Facilities.

The Operating Agreement will also set out the responsibilities of Market Corporation, which will include operation of the Hamilton Farmers' Market, selection of stallholders, enforcement of stallholder contracts, maintenance of the Market facility, and submission of annual budgets and audited financial statements. A licence to operate the Market facility will form part of the Operating Agreement.

PUBLIC ACCOUNTABILITY AND REPORTING

Market Corporation will, from time to time, but at least annually, report to City Council on major developments or significant activities in respect of the Hamilton Farmers' Market. The Chair of the Board will attend such meetings of Council where reports are made and may be received and considered by City Council. The Chair of the Board will provide audited financial statements of Market Corporation, as well as such additional information as the City of Hamilton may specify from time to time, including accomplishments during the fiscal year along with explanations, notes and information as required to explain and account for variances.

Market Corporation will provide the City with its strategic and business plans at the end of each financial year, for the following year. The plans will include: the strategic objectives, priorities and objectives; the metrics for monitoring accomplishments;

and a forecasted operating budget for the next financial year.

FINANCIAL CONSIDERATIONS

The creation of Market Corporation governed by a Board of Directors is to help achieve excellence in program and asset management for the City of Hamilton's goals related to long term financial sustainability and economic prosperity. The Board of Directors will strengthen the governance of the Hamilton Farmers' Market and will work towards the elimination of any municipal levy, thereby creating long term economic benefits for Hamilton residents.

Market Corporation will build towards financial self-sufficiency financing with operating revenues coming from stallholder fees, user and program fees, space rentals and other potential forms of income such as sponsorships.

One of the first tasks for the Board of Directors will be preparation of an operating budget detailing anticipated cost and revenue sources.

Upon liquidation, winding-up or dissolution of Market Corporation, whether voluntary or involuntary, the property, financial resources and all materials goods of Market Corporation will revert back to the City.

CONCLUSION

A new governance model for the management of the Hamilton Farmers' Market is recommended to realize the full commercial and social capacity of the Market to foster potential economic and social benefits for the City of Hamilton. The new model of a not-for-profit corporation represents a strategic approach to asset management, stakeholder engagement and financial accountability.

The proposed model addresses the need for increased accountability, responsiveness, greater strategic alignment and improved communications. While keeping objectives directly linked to public values and strategic policy direction, the model also embraces the concept of a skills-based Board of Directors and allows for the right degree of independence so that the Market can continue to be flexible and self-reliant.

Consistent with other municipalities, specific requirements for key competencies among the Board of Directors will ensure a variety of perspectives and skill sets to guide decision making and provide sound leadership. The new governance structure will enable the fulfillment of stated objectives and the achievement of outcomes focused on the long term economic prosperity of the community.

The benefits associated with a not-for-profit corporation, governed by a Board of Directors, are significant, and this direction represents a necessary step in advancing prosperity and management excellence goals that will benefit the city as a whole. The current approach is not serving the current and future needs of existing

stallholders or the residents of Hamilton to the level that is possible. To achieve greater success going forward, and to realize the full potential of the Hamilton Farmers' Market, the City of Hamilton believes that a new structure is required. Leadership, partnership and collaboration are the keys to success that will produce better and more reliable results.



PLANNING COMMITTEE REPORT 14-011

As Amended by Council on July 11, 2014

9:30 am

Tuesday, July 8, 2014

Council Chambers

Hamilton City Hall

71 Main Street West

Present: Councillors B. Johnson (Chair), J. Partridge (1st Vice Chair), B. Clark, L. Ferguson, R. Pasuta, M. Pearson and T. Whitehead

Absent with Regrets: Councillor C. Collins - personal
Councillor J. Farr - personal

THE PLANNING COMMITTEE PRESENTS REPORT 14-011 AND RESPECTFULLY RECOMMENDS:

1. Overview of Business Licensing Categories (PED14145) (City Wide) (Item 5.1)

That Report PED 14145, Overview of Business Licensing Categories, be received.

2. Funding of External Consultants for Appeals Regarding 18-28 King St. E., Hamilton (Ward 2), 307 & 325 Fiddler's Green Rd., Ancaster (Ward 12), 231 York Rd., Dundas (Ward 13) and 24 McDonald Ct., Flamborough (Ward 15) (LS14025) (Item 5.2)

(a) That respecting the appeal to the Conservation Review Board of 18-28 King St. E., Hamilton, that Council authorize that the amount required to retain external consultants be funded through the Capital Reserve – Former City of Hamilton 108035;

- (b) That respecting the appeal to the Ontario Municipal Board of 307 and 325 Fiddler's Green Rd., Ancaster, that Council authorize that the amount required to retain external consultants be funded through the Capital Reserve – Former City of Hamilton 108035;
- (c) That respecting the appeal to the Ontario Municipal Board of 231 York Rd., Dundas, that Council authorize that the amount required to retain external consultants be funded through the Tax Stabilization Reserve 110046; and,
- (d) That respecting the appeal to the Ontario Municipal Board of 24 McDonald Ct., Flamborough, that Council authorize that the amount required to retain external consultants be funded through the Tax Stabilization Reserve 110046.

3. Delegation from Joanne Turnell respecting the Wilson Street Farmer's Market (Item 6.1)

That by-law enforcement be suspended with respect to the Wilson Street Farmer's Market until the Farmer's Market Zoning By-law Review is before Council.

4. Application for an Amendment to the Urban Hamilton Official Plan and Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 259-261 Highway No. 8 (Stoney Creek) (PED14112) (Ward 10) (item 6.2)

- (a) That approval be given to Official Plan Amendment Application UHOPA-14-007, by 1675367 Ontario Inc., Owner, for Amendment No. ___ to the Urban Hamilton Official Plan, for a change in designation on Map B.7.1.1 – Western Development Area Secondary Plan Land Use Plan, from "Low Density Residential 2b" to "Mixed Use – Medium Density", in order to facilitate an amendment to the Urban Hamilton Official Plan (UHOP) and recognize the existing commercial plaza, on the lands located at 259-261 Highway No. 8 (Stoney Creek), as shown on Appendix "A" to Report PED14112, on the following basis:
 - (i) That the draft Official Plan Amendment (OPA), attached as Appendix "B" to Report PED14112, be adopted by City Council;
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement and Growth Plan for the Greater Golden Horseshoe.

- (b) That approval be given to Zoning Application ZAR-14-008, by 1675367 Ontario Inc., Owner, for a further modification to the General Commercial “GC-53” Zone, in order to permit a Financial Institution and an Animal Hospital only if wholly enclosed within a building, as additional permitted uses; and to decrease the parking stall size from 2.75m by 5.8m to 2.6m by 5.5m for a standard parking space and from 4.4m by 5.8m to 4.4m by 5.5m for a barrier free parking space, on lands located at 259-261 Highway No. 8 (Stoney Creek), as shown on Appendix “A” to Report PED14112, on the following basis:
 - (i) That the draft By-law, attached as Appendix “C” to Report PED14112, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
 - (ii) That the proposed modification in zoning is consistent with the Provincial Policy Statement (PPS); and,
 - (iii) That the proposed change in zoning is in conformity with the Urban Hamilton Official Plan upon finalization of Official Plan Amendment No. _
- (c) That approval be given to amend the Eastdale Neighbourhood Plan by re-designating the subject lands from “Low Density Residential” to “General Commercial” to accommodate the existing commercial plaza.

5. Application for Amendments to Glanbrook Zoning By-law No. 464 and Hamilton Zoning By-law No. 05-200 (PED14143) (Ward 11) (Item 6.4)

- (a) That approval be given to Zoning Application ZAC-13-024 by 1778239 Ontario Inc., Owner, for a change in zoning from the Agricultural “A1” Zone to the Neighbourhood Institutional (I1, H53) Zone, to permit a day care facility, on lands located at 1910 Rymal Road East (Glanbrook), as shown on Appendix “A” to Report PED14143, on the following basis:
 - (i) That the Draft By-law, attached as Appendix “B” to Report PED14143, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the Amending By-law, attached as Appendix “B” to Report PED14143, be added to Map No. 1594 of Zoning By-law No. 05-200;
 - (iii) That the Draft By-law, attached as Appendix “C” to Report PED14143, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

- (iv) That the lands referred to in the amending By-law, attached as Appendix "C" to Report PED14143, be removed from Schedule "J" of By-law No. 464;
 - (v) That the proposal is consistent with the Provincial Policy Statement and conforms to the Growth Plan for the Greater Golden Horseshoe, the Urban Hamilton Official Plan, and the Rymal Road Secondary Plan.
- (b) That a holding provision be implemented on occupancy until substantial completion of rural road widening to satisfaction of the Senior Manager of Growth Management.
 - (c) That the by-law be site specific and limited to daycare use only.
 - (d) That the Ward Councillor be included in the site plan process.
 - (e) That staff, Ward Councillor, the applicant and residents meet to mitigate issues stated in the public hearing including, but not limited to: buffering; garbage disposal; elevation; and storm water management.

6. Traffic Issues within the Boundaries of Dartnall, Second Road West, Rymal and Redhill/Linc

That the an urgent meeting be scheduled with General Manager of Planning, City Manager, department heads, legal staff, traffic staff, growth management staff, public works staff, emergency management services and Ward 6, 11 and 9 Councillors to address traffic issues compounded by pending developments within the boundaries of Dartnall to Second Road West, Rymal to the Redhill/Linc.

7. Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 365 Glancaster Road (Glanbrook) (PED14135) (Ward 11) (Item 6.5)

That Report PED14135, Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 365 Glancaster Road (Glanbrook) be tabled to the August 15 meeting of Council.

- 8. Applications for an Amendment to City of Stoney Creek Zoning By-law No. 3692-92 and for Approval of a Draft Plan of Subdivision known as “Red Hill Developments – Phase 1”, Nash Neighbourhood (Stoney Creek) (PED14138) (Ward 9) (Item 6.7)**
- (a) That approval be given to revised Zoning Application ZAC-09-007 by Empire Communities, Owners, for changes in zoning from the Neighbourhood Development “ND” Zone to the: Multiple Residential “RM2-40” Zone, Modified (Blocks 1, 3, 7 and 14); Multiple Residential “RM2-41” Zone, Modified (Blocks 2 and 4); Single Residential “R4-31” Zone, Modified (Blocks 5 and 10); Single Residential (Holding) “R4-31(H1)” Zone, Modified (Block 11); Single Residential (Holding) “R4-31(H1, H2)” Zone, Modified (Blocks 6 and 12); Multiple Residential (Holding) “RM2-40(H1)” Zone, Modified (Blocks 8 and 15); Multiple Residential (Holding) “RM2-40(H1, H2)” Zone, Modified (Block 13); Multiple Residential (Holding) “RM2-41(H)” Zone, Modified (Block 9); Local Commercial (Holding) “LC(H1)” Zone (Block 16); and, Local Commercial (Holding) “LC(H2)” Zone (Block 17), as shown on Appendix “A” to Report PED14138, on the following basis:
- (i) That the draft By-law, attached as Appendix “B” to Report PED14138, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.
- (ii) That the amending By-law be added to Schedule “A”, Map No. 11 of Zoning By-law No. 3692-92.
- (iii) That the proposed changes in zoning are in conformity with the Urban Hamilton Official Plan.
- (b) That approval be given to revised Draft Plan of Subdivision Application 25T-200901 by Empire Communities, Owners, to establish a draft plan of subdivision known as “Red Hill Developments – Phase 1”, on lands located within Part of Lot 26, Concession 5 (Saltfleet), municipally known as 420 First Road West, in the former City of Stoney Creek, as shown on Appendix “A” to Report PED14138, subject to the following conditions:
- (i) That this approval apply to “Red Hill Developments – Phase 1”, 25T-200901, prepared by Armstrong Planning & Project Management, and certified by Bryan Jacobs, O.L.S., dated February 26, 2014, showing a maximum of 302 units comprised of: 14 blocks for up to 121 single detached dwellings (Blocks 1-14); 19 blocks for up to 124 townhouse units (Blocks 15-33); two blocks for up to 25 rear garage townhouse units (Blocks 34 and 35); one block for local commercial purposes (Block 38), one

block for a walkway (Block 43); two blocks for road widening purposes (Blocks 39 and 40); three blocks for future residential (Block 36 for nine rear garage townhouse units, Block 37 for 21 townhouse units and Block 44 for two single detached dwellings); two blocks for 0.3 m reserves (Blocks 41 and 42); one block for a temporary turning circle (Block 45); and, the creation of eight public roads (Streets "A", "B", "C", "D", "E", "F", "G" and "H"), attached as Appendix "C" to Report PED14138, subject to the owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the Special Conditions attached as Appendix "D" to Report PED14138;

- (ii) Acknowledgement by the City of Hamilton of its responsibility for cost-sharing with respect to this development for the following item;
 - (1) Oversizing of the trunk watermain and deep trunk sanitary sewer; and,
 - (2) Oversizing of First Road West and Green Mountain Road;

In accordance with the City's Financial Policies for Development and the Development Charges Background Study.

- (iii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 42 of the Planning Act, prior to the issuance of each building permit. The calculation of the Cash-in-Lieu payment shall be based upon the value of the lands on the day prior to the day of issuance of each building permit, all in accordance with the financial Policies for Development and the City's Parkland Dedication By-law, as approved by Council, as follows:
 - (1) With regard to Blocks 15-37 (Street Townhouses), will require a parkland dedication, at a ratio of 0.6 ha per 300 dwellings units.
 - (2) Additionally, Blocks 1-14 (Single Detached Residential) will require a parkland dedication ratio of 5%.
 - (3) Lastly, Block 38 (Local Commercial) will require a parkland dedication ratio of 2%.
 - (4) The calculation of the Cash-in-Lieu payment shall be based on the value of the lands on the day prior to the issuance of each building permit, and in the case of multiple residential

blocks, prior to the issuance of the first building permit. Parkland Credits may be applied on a land value basis to the proposed Draft Plan of Subdivision in the event of any over-dedication of parkland from the registration of the “Red Hill Phase 2” Draft Plan of Subdivision (25T-201301).

(c) That Appendix D, Special Conditions of Draft Plan of Subdivision Approval for “Red Hill Developments Phase 1”, to Report PED14138 be deleted and replaced with a REVISED Appendix D, attached hereto.

9. Amendments to Licensing By-law, Schedule 25 - Taxicabs (PED14144) (City Wide) (Item 6.9)

- (a) That Schedule 25 (Taxicabs) of Licensing By-law 07-170 be amended as follows:
- (i) To allow a taxicab owner licence to be issued for more or less than a year (and the fee to be pro-rated accordingly);
 - (ii) To extend the six model years age restriction to seven model years, for hybrid vehicles;
 - (iii) To extend the six model year age restriction for accessible taxi cabs to ten model years provided that the taxicab is no more than two model years old when initially licensed as a taxicab;
 - (iv) To require the on-board camera system to be operable at all times while the taxicab is in service;
 - (v) To require a certificate, from the manufacturer or manufacturer’s authorized agent verifying a camera system is operable, be provided at the request of the Issuer of Licences;
 - (vi) To require that all taxicabs have snow tires from December 15 to March 15;
 - (vii) To require that taxicab drivers perform an exterior inspection check of the taxicab (circle check) prior to use to ensure compliance of the taxicab with the Licensing By-law;
- (b) That the proposed amending By-law, attached as Appendix “A” to Report PED14144, as revised, which amends Schedule 25 (Taxi Cabs) of the Licencing By-law 07-170 as set out in Recommendation (a) of Report PED14144 and is in a form satisfactory to the City Solicitor, be enacted.

10. Hamilton Municipal Heritage Committee Report 14-005 (Item 8.1)

(a) Recommendation to Designate 52 and 56 Charlton Avenue West, Hamilton (Charlton Hall) Under Part IV of the Ontario Heritage Act (Ward 2) (Item 1)

That 52 and 56 Charlton Avenue West, Hamilton, known as Charlton Hall, be designated under Part IV of the Ontario Heritage Act.

(b) Inventory and Research Sub-Committee Report – April 28, 2014 (Item 2)

(i) King George School, 77 Gage Avenue, Hamilton

That staff be directed to conduct a cultural heritage assessment of King George School for purposes of designation under Part IV of the Ontario Heritage Act.

(ii) 64 Charlton Avenue West, Hamilton

Whereas 64 Charlton Avenue West, Hamilton, is comprised of one part of a semi-detached building adjoining 56 Charlton Avenue West, which is recommended for designation under Part IV of the Ontario Heritage Act;

And Whereas 64 Charlton Avenue West, Hamilton, is listed in the City of Hamilton Inventory of Buildings of Architectural and/or Historical Interest;

Therefore Be It Resolved:

That 64 Charlton Avenue West, Hamilton, be included in the City of Hamilton Register of Property of Cultural Heritage Value or Interest as a non-designated property.

(iii) 33 Sanford Avenue South, Hamilton

Whereas 33 Sanford Avenue South, Hamilton, is comprised of a former industrial one-storey brick building constructed circa 1905 and is believed to be of cultural heritage value or interest;

Therefore Be It Resolved:

That 33 Sanford Avenue South, Hamilton, be included in the City of Hamilton Register of Property of Cultural Heritage Value or Interest as a non-designated property.

- (iv) 1019 Wilson Street West, Ancaster

Whereas 1019 Wilson Street West, Ancaster, is comprised of a one-and-one-half storey nineteenth-century stone and brick dwelling and is believed to be of cultural value or interest;

Therefore Be It Resolved:

That 1019 Wilson Street West, Ancaster, be included in the City of Hamilton Register of Property of Cultural Heritage Value or Interest as a non-designated property.

- (v) 501 Upper Sherman Avenue, Hamilton

Whereas 501 Upper Sherman Avenue, Hamilton, is a one-and-one-half-storey nineteenth-century stone dwelling listed in the City of Hamilton Inventory of Buildings of Architectural and/or Historical Interest and is believed to be of cultural heritage value or interest.

That 501 Upper Sherman Avenue, Hamilton, be included in the City of Hamilton Register of Property of Cultural Heritage Value or Interest as a non-designated property.

- (c) 18-22 King Street East, Hamilton – (L)(R) and 24-28 King Street East, Hamilton – (L) (Item 4)**

That staff be directed to release the consultant report respecting 18-22 and 24-28 King Street East, Hamilton.

11. Hamilton Municipal Heritage Committee Report 14-007 (Item 8.2)

- (a) Letters to Ontario Heritage Trust and Infrastructure Ontario respecting Century Manor (Item 1)**

That the letters attached as Appendix A & B to HMHC Report 14-007, respecting concerns of the state of Century Manor, 100 West 5th Street, Hamilton, be approved.

(b) Heritage Permit Application HP2014-015, Under Part V of the Ontario Heritage Act, for Erection of a Structure at 978 Beach Boulevard, Hamilton (Item 2)

That Heritage Permit Application HP2014-015 be approved for the erection of a new single-detached dwelling, with an attached garage, on the designated property at 978 Beach Boulevard, Hamilton (Hamilton Beach Heritage Conservation District), subject to the submission of a completed site plan and the following conditions:

- (i) That the specifications for the proposed windows, front garage door, porch, railings, soffits, eaves and downspouts shall be submitted, to the satisfaction and approval of Planning staff, prior to submission as part of any application for a Building Permit;
- (ii) That the dimensions and surfacing materials for the new driveway and any walkways, patios or other hard-surface areas, shall be submitted, to the satisfaction and approval of Planning staff, in accordance with the Site Plan approval process and prior to installation;
- (iii) That the dimensions, design and materials for any new fencing and gates shall be submitted, to the satisfaction and approval of Planning staff, prior to installation;
- (iv) That a plan depicting the planting of any new trees shall be submitted, to the satisfaction and approval of Planning staff, prior to planting.

(c) Purchase of Bookmarks for Binbrook Memorial Hall (Item 3)

That the purchase of 500 bookmarks for the Binbrook Memorial Hall, utilizing funds from the Publishing Account – Poster Fund, be authorized.

12. Redevelopment in Ancaster “ER-Zone” Neighbourhoods (Ancaster) (PED14132) (Ward 12) (Item 8.3)

That Report PED14132 Redevelopment in Ancaster “ER Zone” Neighbourhoods, be received.

13. Staging of Development Plan (2014 to 2016) (PED14139) (City Wide) (Item 8.4)

That Report PED14139, Staging of Development Plan (2014 to 2016), be received.

14. OMB Appeal of Zoning By-law Amendment Application ZAC-09-050, 341 Mountsberg Road, Flamborough; OMB Appeal of Rural Hamilton Official Plan by Keith and Brenda Pickles Regarding 341 Mountsberg Road, Flamborough; Court Application by City of Hamilton against Keith and Brenda Pickles Regarding Enforcement of Demolition Permit for Second Dwelling at 341 Mountsberg Road Flamborough; and Court Application by Keith and Brenda Pickles Requesting a Stay of the City' Court Application (LS14027/PED14142) (Item 12.2)

(a) That the City of Hamilton enter into the Minutes of Settlement attached to Report LS14027/PED14142 as Appendix "A" respecting the following matters:

(1) OMB Appeal of Zoning By-law Amendment Application ZAC-09-050, OMB File No. PL101294;

(2) OMB Appeal of the Rural Hamilton Official Plan by Keith and Brenda Pickles, OMB File No. PL090114;

(3) Court Application by City of Hamilton against Keith and Brenda Pickles Court File No. 08-7853;

(4) Court Application by Keith and Brenda Pickles against the City of Hamilton, Court File No. 12-34165.

(b) That the City Solicitor or her designate is hereby authorized to execute the aforesaid Minutes of settlement attached to Report LS14027/PED14142 and any additional documents to implement the resulting settlement and make such amendments to the Minutes of Settlement and the additional documents as she deems fit so long as they are consistent with the intent of the settlement and re consented to by the Director of Planning or his delegate and the Chief Building Official or his delegate and provided and amendments are consistent with the intent of the settlement ad described in Appendix "A" to Report LS14027/PED14142.

(c) That Report LS14027/PED14142 remain confidential except that once executed by all parties, the Minutes of Settlement attached to Report LS14027/PED14142 as Appendix "A" may be released to the public.

15. Urban Hamilton Official Plan: Proposed Settlement of Paletta International Corporation's Appeals and Legal Direction (LS14023/PED14133) (Item 12.3)

- (a) That City of Hamilton staff be directed to settle Paletta International Corporation's appeals of the Urban Hamilton Official Plan ("UHOP") respecting the properties at 272 First Road West, 212 Glover Road and 0 Rymal Road East (the "Appeals") in accordance with the Minutes of Settlement attached as Appendix "A" to Report LS14023/PED14133, subject to such drafting, editorial or technical modifications as may be necessary;
- (b) That the City Solicitor or her designate is hereby authorized to execute the final Minutes of Settlement;
- (c) That staff be directed to present and/or provide evidence in support of the settlements to the Ontario Municipal Board, as may be necessary; and,
- (d) That Report LS14023/PED14133 remain confidential except that once executed by all parties, the Minutes of Settlement attached to Report LS14023/PED14133 as Appendix "A" may be released to the public.
- (e) That the Minutes of Settlement remain confidential until signing.

FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

The Committee Clerk advised of the following changes to the Agenda:

1. PUBLIC HEARING ITEMS

6.2 Application for an Amendment to the Urban Hamilton Official Plan and Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 259-261 Highway No. 8 (Stoney Creek) (PED14112) (Ward 10)

(i) Correspondence from Meridian Credit Union

6.5 Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 365 Glancaster Road (Glanbrook) (PED14135) (Ward 11)

(i) Correspondence from Jack Restivo on behalf of Sonoma Homes Inc.

(ii) Correspondence from Bob and Jackie Brown

(iii) Correspondence from John Scime

6.7 Applications for an Amendment to City of Stoney Creek Zoning By-law No. 3692-92 and for Approval of a Draft Plan of Subdivision known as “Red Hill Developments – Phase 1”, Nash Neighbourhood (Stoney Creek) (PED14138) (Ward 9)

(i) Correspondence from Hamilton Teleport

The Agenda for the July 8, 2014 meeting of the Planning Committee was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

Councillor Ferguson declared an interest in Amendments to Licensing By-law, Schedule 25 - Taxicabs (PED14144) (City Wide) (Item 6.9) as he is involved in the taxi cab industry.

Councillor Ferguson declared an interest in Overview of Business Licensing Categories (PED14145) (City Wide) (Item 5.1) as he is a member of a private club.

Councillor Clark declared an interest in Application for Amendment to City of Hamilton Zoning By-law No. 6593 and Vacant Land Condominium for Lands Located at 1187-1201 Upper James Street (Hamilton) (PED14137) (Ward 7) (Item 6.3) as his election campaign team is in negotiation for use of office space at the subject property.

(c) APPROVAL OF MINUTES (Item 3)

(i) June 17, 2014

The Minutes of the June 17, 2014 Planning Committee meeting were approved.

(d) DELEGATION REQUESTS (Item 4)

- (i) **Delegation Request from Giordano Lucio Fimognari respecting Medical Marihuana Zoning Limitations for a future meeting (Item 4.1)**

The delegation request from Giordano Lucio Fimognari respecting Medical Marihuana Zoning Limitations, was approved for a future meeting.

- (ii) **Delegation Request from Victor Veri respecting the proposed woodlands by-law for a future meeting (Item 4.2)**

The delegation request from Victor Veri respecting the proposed woodlands by-law, was approved for a future meeting.

(e) PUBLIC HEARINGS AND DELEGATIONS (Item 6)

- (i) **Delegation from Joanne Turnell respecting the Wilson Street Farmer's Market (Item 6.1)**

Ms. Turnell provided an overview of her concerns with the aid of a PowerPoint Presentation. A copy of the presentation has been included in the public record.

The presentation from Joanne Turnell respecting the Wilson Street Farmer's Market, was received.

The information and presentation were referred to staff for the report back to the Planning Committee on the Farmer's Market Zoning.

For disposition on this Item, refer to item 3.

- (ii) **Application for an Amendment to the Urban Hamilton Official Plan and Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 259-261 Highway No. 8 (Stoney Creek) (PED14112) (Ward 10) (item 6.2)**

(i) Correspondence from Meridian Credit Union

In accordance with the provision of the Planning Act, Chair B. Johnson advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council approves the proposed official plan and zoning by-law amendments, the person or

public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board, and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

Robert Clackett, Planner, provided an overview of the report with the aid of a PowerPoint presentation. A copy of the presentation has been included in the public record.

The staff presentation was received.

Nick Di Fillipis, agent, expressed that the applicant is in the agreement with the staff recommendations.

The agent's presentation was received.

Public Speakers:

1. Scott Murray – 264 Hwy 8, Stoney Creek, ON L6M 3M4

Mr. Murray expressed concerns with parking

The public's presentation was received.

The correspondence respecting PED14112, Application for an Amendment to the Urban Hamilton Official Plan and Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 259-261 Highway No. 8 (Stoney Creek), was received.

The public meeting respecting PED14112, Application for an Amendment to the Urban Hamilton Official Plan and Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 259-261 Highway No. 8 (Stoney Creek), was closed.

For disposition on this Item, refer to item 4.

- (iii) Application for Amendment to City of Hamilton Zoning By-law No. 6593 and Vacant Land Condominium for Lands Located at 1187-1201 Upper James Street (Hamilton) (PED14137) (Ward 7) (Item 6.3)**

Report PED14137, Application for Amendment to City of Hamilton Zoning By-law No. 6593 and Vacant Land Condominium for Lands Located at 1187-1201 Upper James Street (Hamilton), was tabled to the August 12, 2014 meeting of the Planning Committee.

(iv) Application for Amendments to Glanbrook Zoning By-law No. 464 and Hamilton Zoning By-law No. 05-200 (PED14143) (Ward 11) (Item 6.4)

In accordance with the provision of the Planning Act, 1st Vice-Chair J. Partridge advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council approves the proposed zoning by-law amendments, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board, and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

Peter De Iulio, Senior Project Manager, provided an overview of the report with the aid of a PowerPoint presentation. A copy of the presentation has been included in the public record.

The staff presentation was received.

Steven Fraser, on behalf of the applicant, expressed that the applicant is in the agreement with the staff recommendations.
The agent's presentation was received.

Public Speakers:

1. M. Nafekh – 16 Enclave Pl., Hannon, ON L0R 1P0

Mr. Nafekh expressed concerns with the facility including safety, noise levels and impact on the community. Concerns also extend to size and location of the garbage, and removal of mature trees.

2. Loris Gazzola – 91 Bocelli Cr. Hannon, ON L0R 1P0

Mr. Gazzola expressed concerns with the storm water ponds and the elevations of the three properties, the removal of the current privacy fence.

3. Sebastian Sliwka – 8 Enclave Pl., Hannon, ON L0R 1P0

Mr. Sliwka expressed concerns with the removal of the mature trees and he would like a barrier or mature trees between his yard and the playground.

4. Shahzad Maliu – 12 Enclave Pl., Hannon, ON L0R 1P0

Mr. Maliu expressed concerns with the garbage location.

The public presentations were received.

The public meeting respecting Report PED14143, Application for Amendments to Glanbrook Zoning By-law No. 464 and Hamilton Zoning By-law No. 05-200, was closed.

The recommendations contained in Report PED14143, Application for Amendments to Glanbrook Zoning By-law No. 464 and Hamilton Zoning By-law No. 05-200, was amended by adding a new sub-section (b), as follows:

- (b) That a holding provision be implemented on occupancy until substantial completion of rural road widening to satisfaction of the Senior Manager of Growth Management.

The recommendations contained in Report PED14143, Application for Amendments to Glanbrook Zoning By-law No. 464 and Hamilton Zoning By-law No. 05-200, were amended by adding new sub-sections (c), (d) and (e), as follows:

- (c) That the by-law be site specific and limited to daycare use only.
- (d) That the Ward Councillor be included in the site plan process.
- (e) That staff, Ward Councillor, the applicant and residents meet to mitigate issues stated in the public hearing including, but not limited to: buffering; garbage disposal; elevation; and storm water management.

For disposition on this Item, refer to item 5.

- (v) **Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 365 Glanbrooke Road (Glanbrook) (PED14135) (Ward 11) (Item 6.5)**

- (i) **Correspondence from Jack Restivo on behalf of Sonoma Homes Inc.**
- (ii) **Correspondence from Bob and Jackie Brown**
- (iii) **Correspondence from John Scime**

In accordance with the provision of the Planning Act, 1st Vice-Chair J. Partridge advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council approves the proposed official plan and zoning by-law amendments, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board, and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

Greg Macdonald, Senior Planner, provided an overview of the report with the aid of a PowerPoint presentation. A copy of the presentation has been included in the public record.

The staff presentation was received.

Caroline Baker, GSP Group, on behalf of the applicant, expressed that the applicant is in the agreement with the staff recommendations.

The agent's presentation was received.

Public Speakers:

1. Fran Borsellino – 35 Kopperfield Lane, Hamilton ON L0R 1W0

Ms. Borsellino expressed concerns with parking and indicated that many of her concerns were addressed.

2. Sid McKay – 29 Bellstone Lane, Hamilton, ON L0R 1W0

Mr. McKay expressed concerns to modifications to the application.

3. Margaret McKay – 29 Bellstone Lane, Hamilton, ON L0R 1W0

Ms. McKay expressed concerns with parking and traffic.

4. Sharon Palloway – 31 Bellstone Lane, Hamilton, ON L0R 1W0

Ms. Palloway expressed that she does not approve of masionettes and is concerned about parking

The public presentations were received.

The public meeting respecting Report PED14135, Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 365 Glancaster Road (Glanbrook), was closed.

The correspondence respecting Report PED14135, Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 365 Glancaster Road (Glanbrook), was received.

That Report PED14135, Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 365 Glancaster Road (Glanbrook), be tabled to the August 12, 2014 Planning Committee meeting for further community consultation.

The motion was DEFEATED on the following vote:

Yeas: B. Johnson, J. Partridge, L. Ferguson

Total: 3

Nays: B. Clark, M. Pearson, T. Whitehead

Total: 3

Absent: C. Collins, J. Farr, R. Pasuta

Total: 3

The recommendations respecting Report PED14135, Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 365 Glancaster Road (Glanbrook), were amended by adding a new sub-section (c), as follows:

- (c) That the Ward Councillor and applicant hold a community meeting to consult further with the public to mitigate concerns.

The following recommendations were tabled to the August 15, 2014 meeting of Council:

- (a) That approval be given to Urban Hamilton Official Plan Amendment Application OPA-12-009 by Urbancore - New Horizon (Kopperfield) Developments Inc., (Owners), for a change in designation on Map B.5.3-1 – North-West Glanbrook Secondary Plan, from “Low Density Residential 2” to “Low Density Residential 2c” with a Site Specific Policy to permit increased density, in order to permit the development of street

townhouses, block townhouses and maisonettes, for lands located at 365 Glancaster Road (Glanbrook), as shown on Appendix "A" to Report PED14135, on the following basis:

- (i) That the draft Official Plan Amendment, attached as Appendix "B" to Report PED14135, be adopted by City Council.
- (b) That approval be given to Zoning By-law Application ZAC-12-024 by Urbancore-New Horizon (Kopperfield) Developments Inc., (Owners) for a change in zoning from the Existing Residential "ER" Zone to the Residential Multiple "RM2-283" Zone (Block 1) and the Residential Multiple "RM3-284" Zone (Block 2), in order to permit street townhouses, block townhouses and maisonettes on the subject lands located at 365 Glancaster Road (Glanbrook), as shown on Appendix "A" to Report PED14135, on the following basis:
 - (i) That the draft By-law, attached as Appendix "C" to Report PED14135, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
 - (ii) That the proposed changes in zoning will be in conformity with the Urban Hamilton Official Plan upon finalization of Official Plan Amendment No. [REDACTED].
- (c) That the Ward Councillor and applicant hold a community meeting to consult further with the public to mitigate concerns.

The motion, as amended, CARRIED on the following vote:

Yeas: J. Partridge, L. Ferguson, B. Clark, M. Pearson, T. Whitehead
Total: 5
Nays: B. Johnson
Total: 1
Absent: C. Collins, J. Farr, R. Pasuta
Total: 3

For disposition on this Item, refer to item 7.

- (vi) **Application for an Amendment to Township of Glanbrook Zoning By-law No. 464 for Lands Known as 228 Seneca Avenue, Glanbrook (PED14146) (Ward 11) (Item 6.6)**

Report PED14146, Application for an Amendment to Township of Glanbrook Zoning By-law No. 464 for Lands Known as 228 Seneca Avenue, Glanbrook, was tabled to the August 12, 2014 meeting of the Planning Committee.

Staff were directed to re-issue public meeting notices to all residents within 120 m of the subject lands.

(vii) Applications for an Amendment to City of Stoney Creek Zoning By-law No. 3692-92 and for Approval of a Draft Plan of Subdivision known as “Red Hill Developments – Phase 1”, Nash Neighbourhood (Stoney Creek) (PED14138) (Ward 9) (Item 6.7)

(i) Correspondence from Hamilton Teleport

In accordance with the provision of the Planning Act, 1st Vice-Chair J. Partridge advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council approves the proposed draft plan and zoning by-law amendments, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board, and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

The staff presentation was waived.

Steven Armstrong, agent, expressed that the applicant is in the agreement with the staff recommendations.

The agent's presentation was received.

Public Speakers:

1. Juch-Tech Inc. (J. Beckley, Walter Juchniewicz, Colin Pye) – 50 Green Mountain Road, Hamilton, ON L8J 2V5

Expressed concerns with the previous application and conditions not being met as well as road widening.

The public presentations were received.

The public meeting respecting Report PED14138, Applications for an Amendment to City of Stoney Creek Zoning By-law No. 3692-92 and for

Approval of a Draft Plan of Subdivision known as “Red Hill Developments – Phase 1”, Nash Neighbourhood (Stoney Creek), was closed.

Steven Armstrong, agent, provided clarification of concerns.

Additional amendments will be at Council.

For disposition on this Item, refer to item 8.

(viii) Amendments to Licensing By-law, Schedule 3 (Bed and Breakfast, Hotels and Motels) (PED10075(c)) (City Wide) (Item 6.8)

No public speakers came forward.

The public meeting respecting Report PED10075(c), Amendments to Licensing By-law, Schedule 3 (Bed and Breakfast, Hotels and Motels), as closed.

The staff presentation was waived.

- (a) Report PED10075(c), Amendments to Licensing By-law, Schedule 3 (Bed and Breakfast, Hotels and Motels), was referred back to staff for consultation;
- (b) Staff were directed to provide a summary of all fees for the next report.

(ix) Amendments to Licensing By-law, Schedule 25 - Taxicabs (PED14144) (City Wide) (Item 6.9)

Registered Speakers:

- 1. Steve Jones

Mr. Jones expressed more consultation would be of benefit and outlined concerns with certain points.

- 2. Ali Naimpoor

Mr. Naimpoor expressed concerns for the removal of the requirement that the plate owner is a licensed taxi driver.

The public presentations, was received.

The public meeting respecting Report PED14144, Amendments to Licensing By-law, Schedule 25 – Taxicabs, was closed.

Recommendation (a)(viii) was referred back to staff for further consultation:

- (a)(viii) To require that a taxicab owner hold a valid taxicab driver's license only if he or she drives a taxicab.

For disposition on this Item, refer to item 9.

(f) DISCUSSION ITEMS (Item 8)

(i) Hamilton Municipal Heritage Committee Report 14-005 (Item 8.1)

Item 3 to Hamilton Municipal Heritage Committee Report 14-005, was referred back to staff for further consultation:

3. Policy and Design Sub-Committee Report – April 9, 2014 (Item 8.5)

(i) Heritage Impact Assessment (HIA/Archaeological Assessments for Lafarge Quarry Expansion)

- (a) That the Policy and Design Sub-committee comments be provided to the proponent and staff, and that the Heritage Impact Assessment be amended as appropriate; and
- (b) That 565 Moxley Road be added to the Municipal Register.

Item 4 to Hamilton Municipal Heritage Committee Report 14-005, was amended by deleting the words, “seek to” and “and if unable to release report, that staff complete an executive summary of the report”, to read as follows:

4. 18-22 King Street East, Hamilton – (L)(R) and 24-28 King Street East, Hamilton – (L) (Item 4)

That staff be directed to release the consultant report respecting 18-22 and 24-28 King Street East, Hamilton.

For disposition on this Item, refer to item 10.

(ii) Redevelopment in Ancaster “ER-Zone” Neighbourhoods (Ancaster) (PED14132) (Ward 12) (Item 8.3)

Staff were directed to work with the Ward Councillor to undertake consultation with the neighbourhoods regarding options for addressing redevelopment issues as described in Appendix “B” and any potential changes to the zoning by-law.

For disposition on this Item, refer to item 12.

(g) GENERAL INFORMATION AND OTHER BUSINESS (Item 11)

(i) Outstanding Business List Amendments (Item 11.1)

The following Outstanding Business List due dates were revised:

- (aa) Item K: Fifty Road
Current Due Date: July 8, 2014
Proposed Due Date: August 12, 2014
- (bb) Item Y: Application for Approval of Waste Disposal Sites Amend
ECA No. A130407 Hamilton – MOE Reference 9153-9CXKQH
Current Due Date: July 8, 2014
Proposed Due Date: September 3, 2014
- (cc) Item AA: Milkweed and Dog Strangling Vine (EBR Registry
Number 012-1204)
Current Due Date: July 8, 2014
Proposed Due Date: September 16, 2014

The following items were removed from the Outstanding Business List:

- (aa) Item V: E-mail correspondence from Mathieu Lonelier, Executive Officer, Hamilton-Haltom Home Builders’ Association, with attachments, respecting word change request regarding the Community Mail Boxes (CMBs) in New Developments (at the last Planning meeting)

(h) PRIVATE AND CONFIDENTIAL (Item 12)

(i) Closed Session Minutes – June 17, 2014

- (a) The Closed Session Minutes of the June 17, 2014 meeting of the Planning Committee were approved, as presented.
 - (b) The Closed Session Minutes of the June 17, 2014 meeting of the Planning Committee, are to remain confidential and restricted from public disclosure.
- (ii) **OMB Appeal of Zoning By-law Amendment Application ZAC-09-050, 341 Mountsberg Road, Flamborough; OMB Appeal of Rural Hamilton Official Plan by Keith and Brenda Pickles Regarding 341 Mountsberg Road, Flamborough; Court Application by City of Hamilton against Keith and Brenda Pickles Regarding Enforcement of Demolition Permit for Second Dwelling at 341 Mountsberg Road Flamborough; and Court Application by Keith and Brenda Pickles Requesting a Stay of the City' Court Application (LS14027/PED14142) (Item 12.2)**

For disposition on this Item, refer to item 14.

- (iii) **Urban Hamilton Official Plan: Proposed Settlement of Paletta International Corporation's Appeals and Legal Direction (LS14023/PED14133) (Item 12.3)**

For disposition on this Item, refer to item 15.

The motion CARRIED on the following vote:

Yeas: J. Partridge, L. Ferguson, B. Clark, M. Pearson, B. Johnson
Total: 5
Nays: T. Whitehead
Total: 1
Absent: C. Collins, J. Farr, R. Pasuta
Total: 3

(i) ADJOURNMENT

There being no further business, the Planning Committee adjourned at 5:00 p.m.

Respectfully submitted,

Councillor B. Johnson
Chair, Planning Committee

Vanessa Robicheau
Legislative Coordinator
Office of the City Clerk



Hamilton

SELECTION COMMITTEE REPORT 14-001

Wednesday, July 9, 2014

1:30 p.m.

Room 222

Hamilton City Hall, 71 Main Street West

Present: Councillor B. Johnson, Chair
Councillors C. Collins, S. Duvall, and S. Merulla

**Absent with
Regrets:** Councillor T. Whitehead, Vice Chair, personal

**THE SELECTION COMMITTEE PRESENTS REPORT 14-001 AND RESPECTFULLY
RECOMMENDS:**

- 1. Letter of Resignation submitted by Darrell J. Hicks from the Canadian Football Hall of Fame Board of Directors. (Referred from Council on May 28, 2014) (Item 4.1)**

That the letter of resignation submitted by Darrell J. Hicks from the Canadian Football Hall of Fame Board of Directors be received.

- 2. Letter of Resignation submitted by Carmelo D'Angelo from the Niagara Peninsula Conservation Authority. (Referred from Council on June 11, 2014) (Item 4.2)**

That the letter of resignation submitted by Carmelo D'Angelo from the Niagara Peninsula Conservation Authority be received.

- 3. Appointments to the Compliance Audit Committee (Item 5.2)**

- (a) That the following citizens be appointed to the Compliance Audit Committee for the 2014 – 2018 general Municipal Election and any by-elections should they be required during that Council term:**

John Klein

Council – July 11, 2014

Linda Lister
Ross Anderson
Barry Gilbert

- (b) That the membership of the Compliance Audit Committee be reduced from five (5) to four (4) members;
- (c) That the process of Council appointing members to the Compliance Audit Committee be referred to the Governance Committee for review.

FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

The Committee Clerk advised there were no changes to the agenda.

The agenda was approved as presented.

(b) DECLARATIONS OF INTEREST (Item 2)

There were none declared.

(c) ADOPTION OF PREVIOUS MINUTES (Item 3)

(i) May 2, 2013 meeting (Item 3.1)

The Minutes of the May 2, 2013 meeting were approved as presented.

(d) PRIVATE AND CONFIDENTIAL (Personal Matters)

(i) Adoption of Previous Closed Session Minutes (Item 5.1)

The Minutes of the May 2, 2013 Closed Session meeting were approved as presented and directed that they remain confidential and restricted from public disclosure.

Committee moved into Closed Session at 1:45 p.m. pursuant to Section 8.1(b) of the City's Procedural By-law and Section 239 of the Municipal Act as the subject matters deal with personal matters about identifiable individuals respecting appointments and interviews for the Compliance Audit Committee.

(ii) Compliance Audit Committee Appointments (Item 5.2)

Committee reconvened in open session at 2:00 p.m.

(e) ADJOURNMENT (Item 5)

The Selection Committee meeting adjourned at 2:00 p.m.

Respectfully submitted

Councillor B. Johnson, Chair
Selection Committee

Ida Bedioui
Legislative Co-ordinator
Office of the City Clerk



BOARD OF HEALTH

Report 14-006

1:30 p.m.

Monday, June 16, 2014

Council Chambers

Hamilton City Hall

Present: Mayor. R. Bratina (Chair), Councillors S. Merulla, C. Collins, M. Pearson, B. McHattie, R. Pasuta, R. Morrow, T. Jackson, B. Clark, T. Whitehead, L. Ferguson, J. Partridge, S. Duvall

Absent with regrets: Councillor J. Farr – Personal
Councillor R. Powers – City Business
Councillor B. Johnson – City Business

THE BOARD OF HEALTH PRESENTS REPORT 14-006 AND RESPECTFULLY RECOMMENDS:

1. Proposed Waste Processing Facility in Hamilton (Item 6.4)

That Planning staff be directed to reach out to representatives of Port Fuels and Materials Inc. and the Hamilton Port Authority to discuss the municipal legislative requirements that would accompany the proposed waste processing facility and report back to the General Issues Committee.

2. Vaccine Program Update (BOH14025) (City Wide) (Item 7.2)

That the Medical Officer of Health be directed to focus staff resources on improving immunization coverage rates for priority populations in the community and for school-based immunizations (hepatitis B, meningococcus and Human Papillomavirus vaccinations) by:

- (a) That staff be directed to provide a community assessment respecting the need of influenza vaccine clinics in Wards 11, 12, 14, and 15; and that the clinics offered in those wards not be discontinued pending a community assessment report back to the Board of Health;

- (b) Collaborating with the Community and Emergency Services Department to pilot an alternate model of delivering influenza immunizations alongside other community-based social and health services (i.e. health fair) in 1-2 priority neighbourhoods for the 2014/2015 influenza season;
- (c) Offering influenza immunizations at Public Health Services' three general clinic locations and at locations serving hard to reach populations (i.e. Wesley Urban Ministries, Good Shepherd) to ensure that influenza immunizations remain accessible and available to citizens, particularly to children under 5 years of age and persons at risk of influenza-related complications;
- (d) Promoting on the City website, the location of influenza vaccine clinics that are available to the general public (i.e. pharmacies, walk-in clinics) and working with the health sector and community agencies to identify gaps and solutions in service delivery;
- (e) Working closely with community partners to understand reasons for inequities in coverage rates between schools and/or wards; and to develop and implement plans to address these inequities; and,
- (f) Reporting back to the Board of Health in spring 2015 on progress to improve coverage rates and decrease inequities within community and school-based programs through the reallocation of staffing resources from the influenza program.
- (g) That the Medical Officer of Health on behalf of the Board of Health correspond with the Minister of Health respecting the need to consider power failure alarms or battery operated backups on community vaccine refrigerators.

3. Clean Air Hamilton 2013 Progress Report (BOH14019) (City Wide) (Item 7.3)

That Report BOH14019 respecting Clean Air Hamilton 2013 Progress Report, be received.

4. Streets By-law Review and Options for Dust Control (BOH14018) (City Wide) (Item 8.1)

That Report BOH14018 respecting Streets By-law Review and Options for Dust Control, be received.

5. Airshed Model Procurement (BOH13029(a)) (City Wide) (Item 8.2)

That the Medical Officer of Health be authorized and directed to negotiate and execute a funding agreement for the development of an airshed model with the Hamilton Industrial Environmental Association Inc. in an amount not to exceed \$125,000, in a form satisfactory to the City Solicitor, to be funded from the approved 2014 Capital Budget (Project ID No.6771457100).

FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

The Committee Clerk advised of the following changes:

ADDED DELEGATION REQUESTS:

- 4.1 David Carson respecting actions by the City of Hamilton to address the risks and impacts of climate change (for a future meeting)
- 4.2 Sally Palmer, Social Action Committee, respecting the Good to Go Food Box Pilot Project (for a future meeting)
- 4.3 Don McLean, Hamilton 350 Committee, respecting the Annual Report of Clean Air Hamilton and Climate Change (request to speak today)
- 4.4 Dr. James Quinn, Environment Hamilton, respecting Climate Change Mitigation and Adaptation (request to speak today)
- 4.5 Robert Clark, Port Fuels and Materials Inc., respecting the Gasification Process Operation in Hamilton (request to speak today)

The agenda was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

There were no declarations of interest.

(c) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 3)

(i) June 16, 2014 (Item 3.1)

The Minutes from the June 16, 2014 meeting of the Board of Health were approved, as presented.

(d) DELEGATION REQUESTS (Item 4)

(i) Sally Palmer, Social Action Committee, respecting the Good to Go Food Box Pilot Project (for a future meeting) (Item 4.2)

The delegation request from Sally Palmer, Social Action Committee, respecting the Good to Go Food Box Pilot Project was approved to speak at the August 14, 2014 meeting of the Board of Health.

(ii) David Carson respecting actions by the City of Hamilton to address the Risks and Impacts of Climate Change (for a future meeting) (Item 4.1)

The delegation request from David Carson, respecting actions by the City of Hamilton to address the Risks and Impacts of Climate Change, was approved.

(iii) Don McLean, Hamilton 350 Committee, respecting the Annual Report of Clean Air Hamilton and climate change (request to speak today) (Item 4.3)

(a) The request from Don McLean, respecting the Annual Report of Clean Air Hamilton and Climate Change, was approved.

(b) The Rules of Order were waived in order to for the delegate to appear before the Board of Health at today's meeting.

(iv) Dr. James Quinn, Environment Hamilton, respecting Climate Change Mitigation and Adaptation (request to speak today) (Item 4.4)

(a) The request from Dr. James Quinn, Environment Hamilton, respecting climate change mitigation and adaptation, was approved.

(b) The Rules of Order were waived in order to for the delegate to appear before the Board of Health at today's meeting.

(v) Robert Clark, Port Fuels and Materials Inc., respecting the gasification process operation in Hamilton (request to speak today) (Item 4.5)

(a) The delegation request from Robert Clark of Port Fuels and Materials Inc., respecting the Gasification Process Operation in

Hamilton, was approved.

- (b) The Rules of Order were waived in order to for the delegate to appear before the Board of Health at today's meeting.

(e) CONSENT ITEMS (Item 5)

(i) Community Food Security Stakeholder Advisory Committee Minutes for May 7, 2014 (Item 5.1)

The Minutes of the Community Food Security Stakeholder Advisory Committee Minutes for May 7, 2014 were received.

(f) PUBLIC HEARINGS/DELEGATIONS (Item 6)

(i) David Carson respecting actions by the City of Hamilton to address the risks and impacts of climate change (Item 6.1)

David Carson presented Climate Change Risk Management with the aid of a PowerPoint presentation. A copy of the presentation has been included in the public record. The presentation included, but was not limited to, the following:

Climate Change Risk Management

- Examples of insured losses from extreme weather events in Canada
- City of Toronto
 - Resilient City in a Changing Climate

The presentation respecting Climate Risk Management was received.

(ii) Don McLean, Hamilton 350 Committee, respecting the Annual Report of Clean Air Hamilton and Climate Change (Item 6.2)

Don McLean, of Hamilton 350 Committee, provided a presentation respecting the Clean Air Hamilton and Climate Change with the aid of a PowerPoint presentation. A copy of the presentation has been included in the public record. The presentation included, but was not limited to, the following:

Clean Air Hamilton (CAH) and Climate Change

- The Planet's Hottest May on Record

- Land and Ocean Temperature Percentiles May 2014
- CAH Report: Climate Change
- 2012 Binbrook Superstorm
- Direction & Action

The presentation respecting the annual report of Clean Air Hamilton and climate change was received.

(iii) Dr. James Quinn, Environment Hamilton, respecting Climate Change Mitigation and Adaptation (Item 6.3)

Dr. Quinn of Environment Hamilton presented Climate Change in the City with the aid of a PowerPoint presentation. A copy of the presentation has been included in the public record. The presentation included, but was not limited to, the following:

Climate Change in the City

- Prevention or Treatment Services
- Climate Change
- Human vs. Natural Impacts on Temperature
- Global and Continental Temperature Change
- Mitigation & Adaptation
- Municipal Climate Change Action Plan Guidebook

The presentation respecting climate change mitigation and adaptation was received.

(iv) Robert Clark, Port Fuels and Materials Inc., respecting the gasification process operation in Hamilton (Item 6.4)

Robert Clark, C.O.O. of Port Fuels and Materials Inc. and Ian Hamilton, VP of Hamilton Port Authority, presented Green Technology Solutions for Hamilton with the aid of a PowerPoint presentation. A copy of the presentation has been included in the public record. The presentation included, but was not limited to, the following:

Green Technology Solutions for Hamilton

- Introduction
 - Leveraged Green Energy (LGE)
 - Port Fuels & Materials Services, Inc. (PFMSI)
- Summary Description
 - Process Flow Diagram
- Status of Activities

The presentation respecting Green Technology Solutions was received.

For disposition of this matter, refer to Item 1.

(g) PRESENTATIONS (Item 7)

(i) Donna Cripps, CEO, Hamilton Niagara Haldimand Brant LHIN, respecting Local Health Integration Network (LHIN) (Item 7.1)

Donna Cripps, CEO, Hamilton Niagara Haldimand Brant LHIN, presented the Local Health Integration Network (LHIN) with the aid of a PowerPoint presentation. A copy of the presentation has been included in the public record. The presentation included, but was not limited to, the following:

Local Health Integration Network (LHIN)

- What is a LHIN?
- Strategic Health System Plan
- Health Links
- Hospital Emergency Departments
- Health is More than Health Care

The presentation respecting the Local Health Integration Network (LHIN) was received.

(ii) Vaccine Program Update (BOH14025) (City Wide) (Item 7.2)

Kim Dias, Manager, Vaccine Program, presented the Vaccine Program Update with the aid of a PowerPoint presentation. A copy of the presentation has been included in the public record. The presentation included, but was not limited to, the following:

Vaccine Program Update

- Recommendations
- Background
- Accountability
- School-based Immunization Clinics
- Vaccine Storage & Handling
- Universal Influenza Immunization Program
- Influenza Vaccine Use in Hamilton
- Pharmacy Successes

The presentation respecting the Vaccine Program Update was received.

Subsection (a) of Report BOH14025 was deleted and replaced with the following:

- (a) ~~Discontinuing large community-based influenza vaccine clinics;~~
- (a) That staff be directed to provide a community assessment respecting the need of influenza vaccine clinics in Wards 11, 12, 14, and 15; and that the clinics offered in those wards not be discontinued pending a community assessment report back to the Board of Health.

For disposition of this matter, refer to Item 2.

(iii) Clean Air Hamilton 2013 Progress Report – BOH14019 (City Wide) (Item 7.3)

Dennis Core, Chair of Clean Air Hamilton, presented Clean Air Hamilton with the aid of a PowerPoint presentation. A copy of the presentation has been included in the public record. The presentation included, but was not limited to, the following:

Air Quality Progress Report 2013

- Evolution of Air Quality Roles
- Evolution of Clean Air Hamilton
- Canada Wide Approach
- Clean Air Hamilton
- Hamilton Air Quality and Public Health
- Health Effects
- Air Monitoring
- Air Quality Task Force

The presentation respecting Air Quality Progress Report 2013 was received.

For disposition of this matter, refer to Item 3.

(h) MOTIONS (Item 9)

(i) Gasification Process Operation in Hamilton (Item 9.1) (Deferred on May 22, 2014)

Councillor Morrow withdrew the following motion:

That the City of Hamilton formally oppose the gasification process operation planned for the Sherman Avenue and Burlington Street area.

(ii) A Request for Ongoing Funding for the Expanded Community Health Education/Navigator Approach to Health Care (Item 9.2)

The following item was tabled:

WHEREAS, two in five Canadians will develop cancer in their lifetime and one in four will die of the disease;

AND WHEREAS, Public Health Services (PHS) is mandated to address lung, breast, cervix, colorectal and skin cancers through promotion of healthy eating, physical activity, and tobacco free living, protection against ultraviolet radiation exposure and other protective behaviours;

AND WHEREAS, having regular cancer screening tests for breast, cervix and colorectal cancer saves lives;

AND WHEREAS, some populations in the City of Hamilton (COH) face barriers to accessing cancer screening, including language, disability, low income, resulting in later stage diagnosis, limited treatment options and poor prognosis;

AND WHEREAS, the Hamilton Niagara Haldimand Brant Local Health Integration Network (HNHB LHIN) has identified assistance with health system navigation as a priority, especially for people facing such barriers;

AND WHEREAS, the HNHB LHIN has shown its commitment to collaborate with the COH by funding a Community of Practice for Navigation in 2014;

AND WHEREAS, PHS has developed a successful Community Health Educator/Navigator (CHEN) approach to help address barriers and empower people to obtain health services such as cancer screening tests;

THEREFORE BE IT RESOLVED:

- (a) That staff from Public Health Services be directed to develop a business case to present the benefits, operational logistics, financial implications, staffing requirements, and return on investment of implementing an expanded Community Health Educator/Navigator approach within the City of Hamilton; and,
- (b) That the Mayor, on behalf of the Board of Health and Council, request

ongoing funding for the expanded Community Health Educator/Navigator approach from the Honourable Rona Ambrose, Minister of Health, the Minister of Health and Long Term Care and the Hamilton Niagara Haldimand Brant Local Health Integration Network

(i) GENERAL INFORMATION/OTHER BUSINESS (Item 11)

(i) Outstanding Business List (Item 11.1)

The following items were deemed completed and removed from the Outstanding Business List:

- (aa) Item "A" – Review of the City of Hamilton Streets By-law
- (bb) Item "C" – Request for the LHIN to Present to the Board of Health
- (cc) Item "D" – Water Fluoridation – Citizens' Panel

(ii) Public Health Strategy for the Pan Am Games (Item 11.2)

Councillor Whitehead introduced the following Notice of Motion:

That staff be directed to provide a presentation respecting Public Health's strategy for the Pan Am Games at the next Board of Health meeting.

(j) ADJOURNMENT (Item 13)

There being no further business, the Board of Health adjourned at 6:03 p.m.

Respectfully submitted,

Mayor R. Bratina
Chair, Board of Health

Jasmine Branton
Legislative Coordinator
Office of the City Clerk