



## **CITY COUNCIL MINUTES 14-008**

**5:00 p.m.**

**Wednesday, April 9, 2014**

**Council Chambers**

**Hamilton City Hall**

**71 Main Street West**

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**Present:** Mayor R. Bratina  
Councillors B. McHattie, J. Farr, R. Morrow, S. Merulla, C. Collins,  
T. Jackson, B. Johnson, B. Clark, M. Pearson, L. Ferguson, R.  
Powers, J. Partridge, and R. Pasuta

**Absent with  
Regrets:** Councillor S. Duvall – Bereavement  
Councillor T. Whitehead – Illness

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Mayor Bratina called the meeting to order and called upon Rabbi Jordan D. Cohen, Rabbi of Temple Anshe Sholom, to lead Council in prayer.

Mayor Bratina paid respect to April Duvall-Myer, sister of Councillor S. Duvall, who recently passed away.

<b>APPROVAL OF THE AGENDA</b>
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The Clerk advised of the following changes to the agenda:

**1. ADDED CORRESPONDENCE**

5.14 Correspondence from Multiple Parties respecting 231 York Road, Dundas

Recommendation: Be received.

5.15 Correspondence from D. Bruce Timms, Chair of the Niagara Peninsula Conservation Authority, respecting NPCA's Response to MPP Cindy Forster's Letter to Minister David Orazietti regarding the Niagara Peninsula Conservation Authority's Strategic Plan

Recommendation: Be received.

**2. COMMITTEE REPORT FOR DISTRIBUTION**

6.4 Public Works Committee Report 14-004

**3. ADDED NOTICE OF MOTION**

8.2 Liquor Licence Application – Rokbar, 15 Hess Street South, Hamilton, Ontario – Withdrawal of Objection

**(Pearson/Johnson)**

That the agenda for the April 9, 2014 meeting of Council be approved, as amended.

**CARRIED**

<b>DECLARATIONS OF INTEREST</b>
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**Item 7.2 – Objection to Liquor Licence Application – Hamilton Croatian Centre, 166 Green Mountain Road East, Stoney Creek, Ontario**

The Mayor declared a conflict as he is a member of the Croatian community.

<b>CEREMONIAL ACTIVITIES/ANNOUNCEMENTS</b>
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There were no ceremonial activities or announcements.

<b>APPROVAL OF MINUTES</b>
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**4.1 March 6, 2014 – Special Council**

**(Ferguson/Partridge)**

That the Minutes of the March 6, 2014, special meeting of Council be approved, as presented.

**CARRIED**

**4.2 March 6, 2014**

**Ferguson/Pasuta**

That the Minutes of the March 6, 2014, meeting of Council be approved, as presented.

**CARRIED**

<b>COMMUNICATIONS</b>
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**(Partridge Pasuta)**

That Council Communications 5.1 through 5.14 be approved, as amended, as follows:

5.1 Correspondence from Harold W. Becker, President and Founder of The Love Foundation Inc., requesting that May 1st be proclaimed as "Global Love Day"

Recommendation: Be received. **(Ferguson/Jackson)**

- 5.2 Correspondence from P. Monteith, Executive Correspondence Officer to the the Right Honourable Stephen Harper, Prime Minister, in response to Council's letter of February 18, 2014 respecting Hydraulic Fracturing or Fracking

Recommendation: Be received **(Pasuta/Ferguson)**

- 5.3 Correspondence from the Honourable Kathleen Wynne, Premier of Ontario, in response to Council's letter of February 18, 2014 respecting Hydraulic Fracturing or Fracking

Recommendation: Be received. **(Collins/Jackson)**

- 5.4 Correspondence from the Honourable Charles Sousa, Minister of Finance, in response to Council's letter of December 12, 2013, requesting an Exemption from Coverage under the Pension Benefits Guarantee Fund (PBGF)

Recommendation: Be received and referred to the General Manager of Finance and Corporate Services for the appropriate action. **(Johnson/Partridge)**

- 5.5 Correspondence from the Honourable Kathleen Wynne, Premier of Ontario, in response to Council's letter of February 14, 2014 respecting Access to Services for Undocumented Individuals

Recommendation: Be received. **(Merulla/Collins)**

- 5.6 Correspondence from the Honourable Glen Murray, Minister of Infrastructure and Transportation, in response to Council's letter of November 15, 2013 respecting a proposed Amendment to the Highway Traffic Act (Pedestrian Right of Way)

Recommendation: Be received. **(Merulla/Pearson)**

- 5.7 Correspondence from the Regional Municipality of Niagara respecting the Province's Long Term Energy Plan

Recommendation: Be referred to the General Manager of Public Works for a Report to the Public Works Committee. **(Ferguson/Johnson)**

- 5.8 Correspondence from the Association of Municipalities of Ontario (AMO) respecting the Highlights of the March 24, 2014 Board Meeting

Recommendation: Be received and the matter respecting the Anti-Spam Legislation be referred to the General Manager of Finance & Corporate Services for a report to the Audit, Finance & Administration Committee. **(Powers/Pasuta)**

- 5.9 Correspondence from Ted Gill respecting a Submission on Rapid Transit Planning in Hamilton

Recommendation: Be referred to the General Issues Committee and that an invitation be extended to Mr. Gill to attend the meeting of the General Issues Committee. **(McHattie/Jackson)**

- 5.10 Correspondence from Heddy Pearce respecting the Airport Implementation Growth District (AEGD), Part Lot 2, Part Lot 3, Concession 5, Glanford

Recommendation: Be referred to Guy Paparella, Director of Growth Planning, Planning and Economic Development. **(Johnson/Pearson)**

- 5.11 Correspondence from Cindy Forster, MPP Welland Riding, Legislative Assembly of Ontario, respecting the Niagara Peninsula Conservation Authority's Strategic Plan

Recommendation: Be received. **(Johnson/Pearson)**

- 5.12 Correspondence from the Association of Municipalities of Ontario (AMO) respecting the New Building Canada Fund Announcement

Recommendation: Be referred to the General Manager of Finance and Corporate Services for a report to the Audit, Finance and Administration Committee on the City's ability to participate in the New Building Canada Fund. **(Powers/Pearson)**

- 5.13 Correspondence from Marguerite Mooney, respecting Various Ward Issues

Recommendation: Be received and referred to the appropriate Planning staff for information. **(Johnson/Pearson)**

- 5.14 Correspondence from Correspondence from Multiple Parties respecting 231 York Road, Dundas

Recommendation: Be received and referred to the appropriate Planning staff for information **(Johnson/Powers)**

- 5.15 Correspondence from D. Bruce Timms, Chair of the Niagara Peninsula Conservation Authority, respecting NPCA's Response to MPP Cindy Forster's Letter to Minister David Orazietti regarding the Niagara Peninsula Conservation Authority's Strategic Plan

Recommendation: Be received. **(Johnson/Pearson)**

**(Partridge/Pasuta)**

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

**CARRIED**

<b>GENERAL ISSUES COMMITTEE REPORT 14-002</b>
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**Item 2     2014 Tax-Supported Operating Budget – Boards and Agencies (Sub-section C)**

**(Clark/Partridge)**

That subsection C(ii) of Item 2 of GIC Report 14-002 respecting Board and Agencies – Festival of Friends, be amended by deleting “2012” and replacing it with “2013” in lieu thereof.

**Amendment CARRIED**

Sub-section C(ii), as amended, CARRIED on the following standing recorded vote:

Yeas:	Bratina, McHattie, Farr, Collins, Jackson, Clark, Pearson, Johnson, Ferguson, Powers, Pasuta, Partridge
Total:	12
Nays:	Morrow, Merulla
Total:	2
Absent:	Duvall, Whitehead
Total:	2

**Main Motion as Amended CARRIED**

**Item 2     Public Works Department**

Mayor Bratina requested to be noted as being opposed to subsection G(i), page 289, Bridge 163, Item 2 of GIC Report 14-002 respecting the Public Works Department.

**Item 3     HRS Bus Loop Located at McMaster Children’s Hospital**

**(McHattie/Farr)**

That Item 3 of GIC Report 14-002 respecting the HRS Bus Loop at McMaster Children’s Hospital be amended by replacing the word “advise” with “request”.

**Amendment CARRIED  
Motion as Amended CARRIED**

**Item 4     2014 Transit Service Enhancement Plan (Item 4.2 – March 20)**

**(Ferguson/Powers)**

That sub-section (b) of Item 4 of General Issues Committee Report 14-002 respecting 2014 Transit Service Enhancement Plan be deleted in its entirety and replaced with the following in lieu thereof, and the balance of the sections re-numbered accordingly:

- (b) That the enhancement for the Route 44 Rymal bus route through Ancaster (Garner Road to the Ancaster Industrial Park) include the evening and weekend service, but not the 30-minute interval component, and that this service continue on the 60-minute interval;
- (c) That the following Transit Service Enhancements be implemented, with a 2014 levy impact of \$325,000 and an annualized cost of \$965,000:
  - (i) \$675,000 enhancement for Route 44 Rymal
  - (ii) \$200,000 enhancement for Route 43 Stone Church
  - (iii) \$90,000 enhancement for Route 20 A-Line.

To read as follows:

**4. 2014 Transit Service Enhancement Plan (Item 4.2 – March 20)**

- (a) That the 2014 Transportation Division proposed budget be adjusted to reflect an additional \$500,000 in revenues, based on 2013 year-end results;
- (b) That the enhancement for the Route 44 Rymal bus route through Ancaster (Garner Road to the Ancaster Industrial Park) include the evening and weekend service, but not the 30-minute interval component, and that this service continue on the 60-minute interval;
- (c) That the following Transit Service Enhancements be implemented, with a 2014 levy impact of \$325,000 and an annualized cost of \$965,000:
  - (i) \$675,000 enhancement for Route 44 Rymal
  - (ii) \$200,000 enhancement for Route 43 Stone Church
  - (iii) \$90,000 enhancement for Route 20 A-line.
- (d) That staff be directed to implement the above-mentioned service enhancements effective September 2014;
- (e) That the approved Transportation Division complement be increased by 15 FTE's;
- (f) That an additional bus, at a cost of \$407,000, be approved and funded from the Transit Vehicle Replacement Reserve.

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

Yeas: Jackson, Clark, Pearson, Johnson, Ferguson, Powers, Pasuta,  
Partridge  
Total: 8  
Nays: Bratina, McHattie, Farr, Merulla, Collins  
Total: 5  
Absent: Morrow, Duvall, Whitehead  
Total: 3

**(Bratina/Powers)**

That Information Item (D)(b) respecting the 2014 Tax Levy, tabled at the March 20, 2014 meeting of the General Issues Committee, be lifted.

**CARRIED**

**(Bratina/Powers)**

That the following be added as Item 12 to General Issues Committee Report 14-002:

**12. 2014 Tax Levy**

That the City Solicitor and Corporate Counsel be authorized and directed to prepare all necessary by-laws for Council approval for the purposed of establishing the tax levy.

**CARRIED**

**(Bratina/Partridge)**

That the SECOND Report (BUDGET) of the General Issues Committee be adopted, as amended, and the information section received. (attached hereto)

The motion CARRIED on the following standing recorded vote:

Yeas: Bratina, McHattie, Farr, Merulla, Collins, Jackson, Clark,  
Pearson, Johnson, Ferguson, Powers, Pasuta, Partridge  
Total Yeas: 13  
Total Nays: 0  
Absent: Morrow, Duvall, Whitehead  
Total: 3

<b>PLANNING COMMITTEE REPORT 14-005</b>
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**3. Request to Designate 304 Main Street East (Hamilton) (Canadian Tire Gas Bar) Under Part IV of the Ontario Heritage Act**

Councillor Farr requested to be noted as being opposed to Item 3 of Planning Committee Report 14-005.

**10. Application for a Zoning By-law Amendment for Lands Located at 231 York Road (Dundas)**

Councillor Farr requested to be noted as being opposed to Item 10 of Planning Committee Report 14-005.

**13. 1232 Golf Club Rd. Proposed Settlement of OMB Appeal**

**(Johnson/Powers)**

That Item 13 of Planning Committee Report 14-005 be deleted in its entirety and replaced with the following in lieu thereof:

**13. 1232 Golf Club Rd. Proposed Settlement of OMB Appeal  
(LS14015/PED14090) (Ward 11) (Item 12.3)**

- (a) That staff be directed to enter into Minutes of Settlement with the appellant which will reflect the revisions to the proposed application as set out in Report LS14015/PED14090;
- (b) That staff be directed to present the Minutes of Settlement to the Ontario Municipal Board as the basis for a full settlement of the appeal; and,
- (c) That Report LS14015/PED14090, and the appendices, remain Confidential

**CARRIED**

**(Johnson/Ferguson)**

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

**CARRIED**

<b>GENERAL ISSUES REPORT 14-008</b>
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**3. Formal Marina Management Agreement (MMA) with the Hamilton Port Authority (HPA) regarding Piers 7 and 8**

Mayor Bratina requested to be noted as being opposed to subsection (C) of Item 3 of Planning Committee Report 14-005.

**5. Citizen Engagement – Two-Way/Complete Streets Conversion**

That the General Manager of Public Works be authorized and directed to include a Citizen Engagement Process, in the proposed Updated Transportation Master Plan, to be funded from project ID 4031255222 at an estimated cost of \$95,000, as described in Report PW13097(a).

The motion was DEFEATED on the following standing recorded vote:

Yeas: McHattie, Farr, Merulla, Ferguson

Total: 4  
Nays: Bratina, Collins, Jackson, Clark, Pearson, Johnson, Powers,  
Pasuta, Partridge  
Total: 9  
Absent: Morrow, Duvall, Whitehead  
Total: 3

**(Bratina/Partridge)**

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

**CARRIED**

<b>PUBLIC WORKS COMMITTEE REPORT 14-004</b>
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**(Merulla/Collins)**

That the FOURTH Report of the Public Works Committee be adopted and the information section received. (attached hereto)

**CARRIED**

**(Partridge/Bratina)**

That the Committee of the Whole Rise and Report.

**CARRIED**

<b>MOTIONS</b>
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**7.1 Inclusion of Memorial (City) School and W.H. Ballard Public School in the Registry of Property of Cultural Heritage Value or Interest**

**(Merulla/Collins)**

Whereas, the Memorial (City) School, located at 1175 Main Street East, Hamilton (Ward 3), is believed to be of cultural heritage value or interest and may be worthy of designation under Part IV of the Ontario Heritage Act.

And Whereas, the W.H. Ballard Public School, located at 801 Dunsmure Road, Hamilton, (Ward 4), is believed to be of cultural heritage value or interest and may be worthy of designation under Part IV of the Ontario Heritage Act.

Therefore Be it Resolved:

- (a) That following consultation with the Hamilton Municipal Heritage Committee, the Memorial (City) School and the W.H. Ballard Public School be included in the Register of Property of Cultural Heritage Value or Interest as non-designated properties; and,
- (b) That Planning staff be directed to prepare a staff report and Preliminary Screenings of the Memorial (City) School and the W.H. Ballard Public School in accordance with the Council-approved Designation Process and report back to the Planning Committee and Council for direction and prioritization.

**CARRIED**

**7.2 Objection to Liquor Licence Application - Hamilton Croatian Centre, 166 Green Mountain Road East, Stoney Creek, Ontario**

**(Johnson/Pearson)**

Whereas, the Hamilton Croatian Centre, 166 Green Mountain Road East, Stoney Creek, Ontario 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 the Hamilton Croatian Centre at 166 Green Mountain Road East, Stoney Creek, Ontario as concerns have been brought to Council's attention in which the issuing of the license would not be in the best interest of the public.

**CARRIED**

**7.3 Revenue Generation and Cost Reduction Opportunities**

In the absence of Councillor Whitehead, the following Motion was TABLED to the April 23, 2014 meeting of Council:

WHEREAS one of the City's strategic objectives is to enhance overall sustainability;

WHEREAS Council has directed staff to explore non-residential tax revenues;

WHEREAS the City of Hamilton has recently realigned resources to support revenue generation;

WHEREAS the City of Hamilton has a number of existing revenue streams that may have incremental revenue opportunities;

WHEREAS the City of Hamilton has many assets including, but not limited to, arenas, auditoriums and outdoor structures that may lend themselves to new advertising revenues;

WHEREAS the City of Hamilton has many assets in the form of City run events that may lend themselves to sponsorship opportunities;

WHEREAS the City of Hamilton owns property that may be repurposed in such a way that additional tax dollars could be generated; and

WHEREAS the City of Hamilton may produce products or services that may have a revenue potential;

THEREFORE BE IT RESOLVED:

That staff be directed to prepare a report for the General Issues Committee in September 2014, which explores all potential revenue generation and cost reduction opportunities including the scope of the opportunities and any increased revenue potential that may be realized in 2015 and 2016 budget years.

**7.4 Amending Motion to Item 7.3, respecting the Consideration of an Overpass Display By-law, of the November 27, 2013 Council Minutes**

In the absence of Councillor Whitehead, the following Motion was TABLED to the April 23, 2014 meeting of Council:

That Item 7.3, respecting the Consideration of an Overpass Display By-law, of the November 27, 2013 Council Minutes be amended by deleting the word "Planning" and replacing it with the words "Public Works" after the words "report to the", to read as follows:

**7.3 Consideration of an Overpass Display By-Law**

That Municipal Law Enforcement staff, in consultation with Legal Services and Public Works staff, be directed to report to the **Public Works** Committee on regulating, by by-law, the use of overpasses for displays of any kind.

**7.5 Liquor Licence Application – Rokbar, 15 Hess Street South, Hamilton, Ontario – Withdrawal of Objection**

**(Farr/McHattie)**

That the City's objection, approved by Council at its meeting of September 11, 2013 and further clarified at its meeting of February 12, 2014, to a Liquor Licence Application by Rokbar, 15 Hess Street South, Hamilton, Ontario, be withdrawn, as an agreement has been reached with respect to conditions attached to the Liquor Licence, as outlined in the attached Memorandum of Agreement (Appendix A).

The conditions are as follows:

- (a) The holder of the licence shall not provide or permit amplified music or other forms of entertainment in outdoor areas or to be directed towards outdoor areas.
- (b) The holder of the licence shall ensure that no person under the age of 19 years enters the premises.

- (c) The holder of the licence shall ensure that the identification of every patron who appears to be under the age of 25 years is checked and verified.
- (d) The holder of the licence shall ensure that surveillance records from all security cameras are stored and made available for inspection and review upon request by AGCO inspectors and/or police for a period of 90 days.

**CARRIED**

<b>NOTICES OF MOTION</b>
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Councillor Merulla introduced the following Notice of Motion:

**8.1 Post-Employment ‘Cooling Off Period’**

WHEREAS, many senior levels of government have adopted policies imposing post-employment "cooling-off periods" on senior staff to ensure the integrity of processes and decision-making of the government body;

AND WHEREAS, there may be benefits to having such a policy at the City of Hamilton;

THEREFORE BE IT RESOLVED:

That staff be directed to explore the feasibility of instituting a “cooling off period”, as part of the City of Hamilton’s Corporate policies and/or employment agreements that would limit the ability of former senior level staff from working for organizations in dealings with the City of Hamilton involving matters with which the former staff member had significant dealings during the last year of service with the City, and report to the Audit, Finance and Administration Committee.

Councillor Farr introduced the following Notice of Motion:

**8.2 Liquor Licence Application – Rokbar, 15 Hess Street South, Hamilton, Ontario – Withdrawal of Objection**

**(Farr/McHattie)**

That the City’s objection, approved by Council at its meeting of September 11, 2013 and further clarified at its meeting of February 12, 2014, to a Liquor Licence Application by Rokbar, 15 Hess Street South, Hamilton, Ontario, be withdrawn, as an agreement has been reached with respect to conditions attached to the Liquor Licence, as outlined in the attached Memorandum of Agreement (Appendix A).

The conditions are as follows:

- (a) The holder of the licence shall not provide or permit amplified music or other forms of entertainment in outdoor areas or to be directed towards outdoor areas.

- (b) The holder of the licence shall ensure that no person under the age of 19 years enters the premises.
- (c) The holder of the licence shall ensure that the identification of every patron who appears to be under the age of 25 years is checked and verified.
- (e) The holder of the licence shall ensure that surveillance records from all security cameras are stored and made available for inspection and review upon request by AGCO inspectors and/or police for a period of 90 days.

**(Farr/Jackson)**

That the rules be waived in order to introduce a Motion respecting Liquor Licence Application – Rokbar, 15 Hess Street South, Hamilton, Ontario – Withdrawal of Objection.

**CARRIED**

See Motion 7.5 for the disposition of this item.

Councillor Merulla introduced the following Notice of Motion:

**8.3 Assessment of Legal Fees**

Whereas, the City of Hamilton's legal fees and operating budget are significant on an annual basis; and,

Whereas the City of Hamilton has never sought an assessment of those legal fees;

Therefore, Be it Resolved:

That staff be directed to seek an assessment of all of the City of Hamilton's external legal fees over the last twelve months from the Provincial Assessment Office.

<b>STATEMENT BY MEMBERS</b>
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Members of Council used this opportunity to discuss matters of general interest.

<b>PRIVATE AND CONFIDENTIAL</b>
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There were no private and confidential items.

<b>BY-LAWS</b>
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**(Pasuta/Clark)**

That Bills No. 14-070 to 14-89 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:

- 070**        To Amend By-law No. 01-215  
              Schedule 27 – Truck Routes
- 071**        To Amend By-law No. 01-215  
              Schedule 5 – Stop Control
- 072**        To Incorporate City Land Designated as Block 23 on Plan 62M-685 into  
              Winterberry Drive
- 073**        To Incorporate City Land Designated as Block 58 on Plan 62M-1171 into  
              Chambers Drive
- 074**        Respecting Removal of Part Lot Control Removal of Part Lot Control  
              from Lots 2-12, inclusive, Lots 14-21, inclusive, Lots 24-32, inclusive, and Lots 35-  
              43, inclusive, Registered Plan No. 62M-1199, known as  
              39, 43, 49, 51, 55, 59, 63, 67, 71, 75, 79, 93, 97, 101, 105, 109, 113, 117 and 121  
              Crafter Crescent and 56, 57, 60, 61, 64, 65, 68, 69, 72, 73, 76, 77, 80, 81, 84, 85,  
              88 and 89 West Glen Avenue (Stoney Creek)
- 075**        Respecting Removal of Part Lot Control  
              Lots 1-25, inclusive, Registered Plan No. 62M-120, known as  
              66, 68, 70, 72, 74, 76, 78, 80, 82, 84, 86, 88, 90, 92, 94, 96, 98, 100, 102, 104,  
              106, 108, 110, 112, 114 Vinton Road (Ancaster)
- 076**        To Permanently Close a Portion of Chartwell Circle being Block 38 on Plan 62M-  
              1177, City of Hamilton
- 077**        To Designate Land Located at 1284 Main Street East, City of Hamilton as Property  
              of Cultural Heritage Value
- 078**        To Amend Zoning By-law No. 3692-92 (Stoney Creek), Respecting Lands Located  
              at 272 First Road West
- 079**        To Amend Zoning By-law No. 05-200 (Hamilton), as amended, Respecting Lands  
              Located at 121 Augusta Street, in the City of Hamilton
- 080**        To Amend Zoning By-law No. 90-145-Z (Flamborough), as amended, Respecting  
              Lands Located at 215 Dundas Street East, in the former Town of Flamborough,  
              now in the City of Hamilton
- 081**        To Amend Zoning By-law No. 6593 (Hamilton), Respecting Lands Located at 87  
              Redfern Avenue (Hamilton)
- 082**        To Amend Zoning By-law No. 3692-92 (Stoney Creek), Respecting Lands Located  
              at 1335 Barton Street
- 083**        To Adopt Official Plan Amendment No. 15 to the Urban Hamilton Official Plan  
              Respecting:  
              Lands Located at 1354 Upper Sherman, Hamilton
- 084**        To Amend Zoning By-law No. 6593 (Hamilton), Respecting Lands Located at 1354  
              Upper Sherman Avenue, Hamilton
- 085**        To Amend City of Hamilton By-law No. 10-052, as amended, To delegate authority  
              to the General Manager, Planning and Economic Development for certain grants  
              under the Ontario Heritage Act

- 086** To Amend By-law No. 01-218, as amended, To Regulate On-Street Parking:  
Schedule 5 – Parking Meters  
Schedule 6 – Time Limit Parking  
Schedule 8 – No Parking Zones  
Schedule 12 – Permit Parking Zones  
Schedule 14 – Wheelchair Loading Zones  
Schedule 17 – Public Taxi Zones  
Schedule 20 – School Bus Loading Zones
- 087** To Confirm the Proceedings of City Council

**(Pearson/Johnson)**

That there being no further business, the City Council meeting be adjourned at 9:50 p.m.

**CARRIED**

Respectfully submitted,

Mayor B. Bratina

M. Gallagher  
Acting City Clerk



**General Issues Committee  
BUDGET REPORT 14-002**

**(as amended and approved by Council on April 9, 2014)**

**9:30 a.m.**

**January 23, 24 and 29, 2014**

**February 7, 11, 13, 25 and 27, 2014**

**March 4 and 20, 2014**

**Council Chambers**

**Hamilton City Hall**

**71 Main Street West**

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

**THE GENERAL ISSUES COMMITTEE PRESENTS REPORT 14-002 AND  
RESPECTFULLY RECOMMENDS:**

**1. Volunteer Committee 2014 Budget Requests (Items 5.1.1 to 5.1.5 –  
February 27)**

**(a) 2014 Budget Requests – Volunteer Advisory Committees  
(FCS13093) (City Wide) (Item 5.1.1(a) to (f))**

That the Volunteer Advisory Committee 2014 base budget submissions  
for the following Volunteer Advisory Committees, be approved:

- (i) Advisory Committee on Immigrants and Refugees in the amount of \$3,500
- (ii) Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) Advisory Committee in the amount of \$3,890
- (iii) Aboriginal Advisory Committee in the amount of \$3,500
- (iv) Hamilton Mundialization Committee in the amount of \$5,890
- (v) Hamilton Status of Women Committee in the amount of \$3,500
- (vi) Committee Against Racism in the amount of \$3,890

**Council April 9, 2014**

**(b) Hamilton Cycling Committee (PW13091) (City Wide) (Item 5.1.2(a))**

- (i) That the Hamilton Cycling Committee 2014 base budget submission in the amount of \$9,000, be approved;
- (ii) That in addition to the base funding, that a one-time budget allocation for 2014 of \$1,000, funded by the Cycling Committee Reserve, be approved.

**(c) Keep Hamilton Clean & Green Committee (formerly Clean City Liaison Committee) (PW13090) (City Wide) (Item 5.1.2(b))**

- (i) That the Keep Hamilton Clean & Green Committee Volunteer Coordinating Committee 2014 base budget submission (attached as Appendix "A" to Report PW13090), in the amount of \$18,250, be approved;
- (ii) That in addition to the base funding, that a one-time budget allocation for 2014 of \$10,550, funded by the Keep Hamilton Clean & Green Committee Volunteer Coordinating Committee Reserve, be approved.

**(d) Hamilton Veterans Committee (PED13203) (City Wide) (Item 5.1.3(a))**

- (i) That the Hamilton Veterans Committee 2014 base budget submission in the amount of \$20,000, attached as Appendix "A" to Report PED13203, be approved;
- (ii) That in addition to the base funding, that a budget allocation of \$5,000, funded by an increase to the tax levy, be approved.

**(e) Seniors Advisory Committee (FCS13094) (City Wide) (Item 5.1.3(b))**

That the Seniors Advisory Committee's 2014 base budget submission in the amount of \$1,500 be approved.

**(f) Hamilton Youth Advisory Committee (HYAC) (CS13052) (City Wide) (Item 5.1.3(c))**

- (i) That the Hamilton Youth Advisory Committee (HYAC) 2014 base budget submission in the amount of \$3,890 be approved;
- (ii) That in addition to the base funding, that a one-time budget allocation for 2014 of \$2,500, funded by the Hamilton Youth Advisory Committee Reserve, be approved.

**(g) Food & Shelter Advisory Committee (CS13048) (City Wide)  
(Item 5.1.3(d))**

That the Food and Shelter Advisory Committee 2014 base budget submission in the amount of \$500, be approved.

**(h) Tenant Advisory Committee (CS13049) (City Wide) (Item 5.1.3(e))**

That the Tenant Advisory Committee 2014 base budget submission in the amount of \$1,000, be approved.

**(i) Arts Advisory Commission (AAC) (PED13200) (City Wide)  
(Item 5.1.4)**

That the Arts Advisory Commission's 2014 base budget submission in the amount of \$9,000, be approved.

**(j) Hamilton Historical Board (HHB) (PED13186) (City Wide)  
(Item 5.1.5)**

(i) That the Hamilton Historical Board 2014 base budget submission in the amount of \$14,340, be approved;

(ii) That in addition to the base funding, that a one-time allocation for 2014 of \$2,370, funded from the Hamilton Historical Board Reserve, be approved.

**2. 2014 Tax-Supported Operating Budget (FCS14005) (Item 5.3 – March 20)**

**A. Council Referred Items**

That the following 2014 Council-Referred Items be approved:

(i) A1 – Community and Emergency Services – Hamilton Centre for Civic Inclusion – Gross/Net Impact of \$50,000

(ii) A2 – Community and Emergency Services – Adult Day Program User Fee Subsidy – Gross/Net Impact of \$65,000

**B. Requested Program Enhancements**

That the following 2014 Requested Program Enhancements be approved:

(i) B3 – Community and Emergency Services – Early Years Systems Management – Gross Impact of \$98,330/Net Impact of \$0; 1.0 FTE

- (ii) B4 – Community and Emergency Services – Ambulance Staffing – one ambulance 24/7 – Gross Impact of \$538,629/Net Impact of \$269,314; 10.0 FTE
- (iii) B2 – Planning and Economic Development – Update AMANDA system per the recommendations of the Open for Business Review – Gross/Net Impact of \$67,000; 1.0 FTE
- (iv) B6 – Public Works – Storm Water Facilities Maintenance Program – Gross/Net Impact of \$300,000
- (v) B1 – Planning and Economic Development – Zoning By-law Review for Planning Applications – Gross/Net Impact of \$60,054; 1.0 FTE

**C. Boards & Agencies**

**Sub-section (ii) was amended as highlighted.**

- (i) That the Boards and Agencies operating budget in the amount of \$188,596,450 as per Appendix “A” attached hereto, be approved.
- (ii) That the \$85,270 allocated for HWCA – Festival of Friends for 2014, exclusive of the amount that has previously been advanced in the amount of \$28,423, be withheld pending receipt of audited financial statements for 2013.

**D. Planning & Economic Development Department**

- (i) That the Planning & Economic Development operating budget (Book 2), Appendix “2-1”, page 6, \$24,873,914 inclusive of amendments as per amended Appendix “B” attached hereto, be approved.

**E. Public Health Services Department**

- (i) That the Public Health Services operating budget (Book 2), Appendix “2-2”, page 39, \$10,684,290 inclusive of amendments as per amended Appendix “B” attached hereto, be approved;
- (ii) That the Medical Officer of Health be authorized and directed to execute all 2014 Federal and Provincial Program Service Level Funding Agreements and any ancillary agreements required to give effect thereto and Contracts for Public Health Services as provided for in Appendix “2-2” to report FCS14005. This also includes the authority to authorize the submission of budgets and quarterly/year end reporting.

**F. Community & Emergency Services Department**

- (i) That the Community & Emergency Services operating budget (Book 2), Appendix "2-3", page 71, \$227,052,230 inclusive of amendments as per amended Appendix "B" attached hereto, be approved;
- (ii) That the General Manager of Community & Emergency Services be authorized and directed to execute all 2014 Federal and Provincial Program Service Level Funding Agreements and any ancillary agreements required to give effect thereto and Contracts for Community Services as provided for in Appendix "2-3" to report FCS14005. This also includes the authority to authorize the submission of budgets and quarterly/year end reporting.

**G. Public Works Department**

- (i) That the Public Works operating budget, (Book 2), Appendix "2-4", page 124, \$202,925,400 inclusive of amendments as per amended Appendix "B" attached hereto, be approved.

**H. Legislative**

- (i) That the Legislative operating budget (Book 2), Appendix "2-7", page 206, \$4,223,780 inclusive of amendments as per amended Appendix "B" attached hereto, be approved.

**I. City Manager Department**

- (i) That the City Manager operating budget (Book 2), Appendix "2-5", page 151, \$10,232,510 inclusive of amendments as per amended Appendix "B" attached hereto, be approved.

**J. Corporate Services Department**

- (i) That the Corporate Services operating budget (Book 2), Appendix "2-6", page 174, \$21,034,120 inclusive of amendments as per amended Appendix "B" attached hereto, be approved.

**K. Hamilton Entertainment Facilities**

- (i) That the Hamilton Entertainment Facilities operating budget (Book 2), Appendix "2-7", page 214, \$1,788,300 inclusive of amendments as per amended Appendix "B" attached hereto, be approved.

**L. Corporate Financials/Non Program Revenues**

- (i) That the Corporate Financials operating budget (Book 2), Appendix "2-7", page 208, \$11,285,870 inclusive of amendments as per amended Appendix "B" attached hereto, be approved;
- (ii) That the Non Program Revenues operating budget (Book 2), Appendix "2-7", page 226, -\$44,557,340 inclusive of amendments as per Appendix "B" attached hereto, be approved.

**M. Capital Financing**

- (i) That the following 2014 Police Capital projects referred to the 2014 Operating Budget process for discussion at the time the HPS presents their 2014 budget be approved:

Bomb Truck Replacement	\$180,000
Crime Mapping Tools	<u>\$250,000</u>
	<u>\$430,000</u>

- (ii) That the Bomb Truck Replacement and Crime Mapping Tools Capital Projects be removed from the 2014 Capital Budget "Parked" projects list;
- (iii) That the Capital Financing operating budget \$90,177,000 be approved.

**3. HSR Bus Loop Located at McMaster Children's Hospital (Item 4.1 – February 27)**

Whereas Hamilton transit riders have been able to disembark at the McMaster Children's Hospital (formerly McMaster University Medical Centre) for decades;

And Whereas removing the transit stop from the hospital entrance to Main Street would necessitate thousands of additional pedestrian road crossings at one of Hamilton's busiest intersections;

And Whereas the City of Hamilton, Hamilton Health Sciences and McMaster University have celebrated a beneficial working relationship for years, a relationship that has never been more important than today.

Therefore Be It Resolved:

**Recommendation amended as highlighted:**

That Council request Hamilton Health Sciences and McMaster University that the HSR bus loop at McMaster Children's Hospital be maintained.

**Council – April 9, 2014**

**Item 4 was amended to read as follows:**

**4. 2014 Transit Service Enhancement Plan (Item 4.2 – March 20)**

- (a) That the 2014 Transportation Division proposed budget be adjusted to reflect an additional \$500,000 in revenues, based on 2013 year-end results;
- (b) That the enhancement for the Route 44 Rymal bus route through Ancaster (Garner Road to the Ancaster Industrial Park) include the evening and weekend service, but not the 30-minute interval component, and that this service continue on the 60-minute interval;
- (c) That the following Transit Service Enhancements be implemented, with a 2014 levy impact of \$325,000 and an annualized cost of \$965,000:
  - (i) \$675,000 enhancement for Route 44 Rymal
  - (ii) \$200,000 enhancement for Route 43 Stone Church
  - (iii) \$90,000 enhancement for Route 20 A-Line.
- (d) That staff be directed to implement the above-mentioned service enhancements effective September 2014;
- (e) That the approved Transportation Division complement be increased by 15 FTE's;
- (f) That an additional bus, at a cost of \$407,000, be approved and funded from the Transit Vehicle Replacement Reserve.

**5. 2014 Capital Budget Requests for a Traffic Management System – Linc: Video Detection and Intelligent Transportation; Traffic Signal Communication System – Capital Budget (PW14013) (City Wide) (January 19, 2014 – Item 5.1)**

- (a) That approval for the 2014 Capital Project Traffic Management System - Linc 4041420110 (\$75,000) capital budget request be deferred to the 2015 Capital Budget approval process;
- (b)(i) That the 2014 Capital Project Video Detection and Intelligent Transportation - 4041457411 (\$600,000) be approved;
- (b)(ii) That the 2.0 FTE's requested in the original Capital Budget submission be deferred to the 2015 approval process;

- (c)(i) That the 2014 Capital Project Traffic Signal Communication System - 4041420016 (\$1,000,000) be approved;
- (c)(ii) That the 2.0 FTE's requested in the original Capital Budget submission be deferred to the 2015 approval process;
- (d) That the Public Works, Corporate Assets and Strategic Planning Division, Traffic Operations and Engineering Section report back in 2014 on staffing resource impacts of Capital projects, Planning and Development projects, and Strategic Safety Initiative projects affecting work load and service delivery;
- (e) That Traffic Management System - Linc; Video Detection and Intelligent Transportation; Traffic Signal Communication System - Capital Budget (City Wide) be noted as completed and removed from the Public Works Committee Outstanding Business List.

**6. Needle Exchange Program Supplies (February 7 – Item 4.1)**

Whereas, the Ministry of Health & Long-Term Care has provided 100% provincial funding for Needle Exchange Program Supplies to support the purchase of needles and syringes, and their associated disposal costs since 2010;

And whereas Public Health Departments across Ontario, including the City of Hamilton, have experienced pressures as the actual cost for needles has exceeded the funding provided by the province and funding levels for this program have remained capped since 2011;

And whereas for 2014, public health units have been asked to include actual costs for the delivery of this program in order to assess the funding requirement for the program;

Therefore, be it resolved:

That the Clinical & Preventive Services budget be increased by \$47,000 gross with a decrease of \$18,000 net levy.

**7. Programs to Combat Obesity (February 7 – Item 4.1)**

That Councillor Tom Jackson work with the Public Health Department to act as the Council liaison for championing programs to combat obesity.

**8. Adult Day Program User Fee Subsidy (February 13 – Item 4.1)**

- (a) That staff be directed to provide a list of day programs that are offered across the City, including a breakdown of how and on what the funds are being spent;
- (b) That Council appeal to the Province to restore funding for Adult Day Programs.

**9. Ambulance Staffing (February 13 – Item 4.1)**

That the Ombudsman be requested to review the ambulance offloading that is occurring, specifically, ambulances that are stuck at the hospital(s), and come up with a resolution to this matter.

**10. Integrated Pest Management Control (February 13 – Item 4.1)**

That staff be directed to work with the Province to amend the pesticide legislation to allow pesticides to be used under certain conditions for sports fields.

**11. Municipal Carparks – Revenue Generation (March 20 – Item 5.2)**

- (a) That Report PED14066 respecting “Municipal Carparks – Revenue Generation” be received;
- (b) That the monthly rate in downtown surface carparks, downtown garages and all other carparks be increased by \$5 per month.

**The following was lifted from the Information Section and added as Item 12:**

**12. 2014 Tax Levy**

That the City Solicitor & Corporate Counsel be authorized and directed to prepare all necessary by-laws, for Council approval, for the purposes of establishing the tax levy.

**FOR THE INFORMATION OF COUNCIL:**

**(A) RECOMMENDATIONS APPROVED DURING BUDGET DELIBERATIONS  
REFLECTED IN APPENDICES OF FINAL BUDGET REPORT:**

**February 11**

**(a) Corporate Financials (Item 4.3)**

That the recommended adjustments based on Actuals as outlined below  
be approved:

	<b>Recommended Adjustment \$</b>	<b>2014 Revised Budget \$</b>
<b>Supplementary Taxes</b>	<b>(500,000)</b>	<b>(8,925,000)</b>
<b>Payments in Lieu</b>	<b>(117,900)</b>	<b>(14,542,000)</b>
<b>Flamborough Slot</b>	<b>500,000</b>	<b>(5,030,000)</b>
	<b>(117,900)</b>	

**February 13**

**(b) 2014 Council-Referred Items and Requested Enhancements  
(Item 4.1)**

- (i) That the following items be referred for consideration during  
budget deliberations
  - (aa) Council-requested Enhancement Item D1 – Zoning By-law  
Review for Planning Applications (Planning and Economic  
Development) (Appendix 1-7) in the amount of \$60,054  
gross; \$60,054 net.
  - (bb) Council-referred Enhancement Item C4 – Adult Day Care  
User Subsidy (Community and Emergency Services)  
(Appendix 1-6) in the amount of \$65,000 gross; \$65,000  
net.
  - (cc) Council-requested Enhancement Item D2 – Update  
AMANDA System per the recommendations of the Open for  
Business Review (Planning & Economic Development)  
(Appendix 1-7) in the amount of \$67,000 gross; \$67,000  
net.
  - (dd) Council-requested Enhancement D3 – Early Years System  
Management (Community & Emergency Services)  
(Appendix 1-7) in the amount of \$98,330 gross; \$0 net.

- (ee) Council-requested Enhancement D4 – Ambulance Staffing – one ambulance 24/7 (Community and Emergency Services) (Appendix 1-7) in the amount of \$538,629 gross; \$269,314 net.
- (ff) Council-referred Enhancement C3 – Hamilton Centre for Civic Inclusion (HCCI) (Community and Emergency Services) (Appendix 1-6) in the amount of \$50,000 gross; \$50,000 net.
- (ii) That \$300,000 of the \$1,370,000 Council-Requested Enhancement D7 – Storm Water Facilities Maintenance Program (Public Works) (Appendix 1-7) be forwarded to the budget deliberations for consideration.

The Motion **CARRIED** on the following recorded vote:

Yeas:	Morrow, Collins, Jackson, Bratina, Partridge, Johnson
Total Yeas:	6
Nays:	Clark, Pearson, Pasuta
Total Nays:	3
Absent:	Merulla, McHattie, Farr, Duvall, Whitehead, Powers, Ferguson
Total Absent:	7

- (iii) That one-time funding be provided for the following Council-referred Enhancements:
  - (aa) Council-referred Enhancement Item C14 – Agricultural and Rural Affairs Committee (Community Partnership) (Appendix 1-6) in the amount of \$5,000 gross.
  - (bb) Council-referred Enhancement Item C10 – James Street North SuperCrawl Event (Community Partnership) (Appendix 1-6) in the amount of \$80,000 gross; \$0 net.
  - (cc) That funding for future years be revisited pending completion of the overall review of the grants program(s).
- (iv) That staff be directed to provide a full presentation at a future meeting of the General Issues Committee with respect to Council-referred Enhancement C6 – Rapid Ready Expanding Mobility Choices in Hamilton (Public Works) (Appendix 1-6).

- (v) Council-requested Enhancement D6 – Tim Horton's Field Operations (Public Works) (Appendix 1-7) in the amount of \$832,350 gross; \$0 net be deferred pending receipt of the report respecting Licensing Agreement with the Tiger Cats.
- (vi) That the following items be removed from the budget deliberations:
  - (aa) Council-referred Enhancement Item C1 – Property Maintenance and Security at Chedoke House (Balfour Estate) (Planning and Economic Development) (Appendix 1-6) in the amount of \$20,000 gross; \$20,000 net.
  - (bb) Council-referred Enhancement Item C8 – Integrated Pest Management Control (Public Works) (Appendix 1-6) in the amount of \$2,600,000 gross; \$2,600,000 net.
- (vii) That Council-requested Enhancement D5 – Tim Horton's Field Capital Renewal Program (Public Works) (Appendix 1-7) in the amount of \$300,000 gross; \$300,000 net be deferred to the 2015 Operating budget for consideration.

**March 4**

**(c) 2014 Community Partnership Program Funding (Item 5.4)**

- (i) That the 2014 Community Partnership Program (CPP) be funded at the same amount as the 2013 CPP (zero increase), until such time as the ongoing review of the City Grants process is complete;
- (ii) That, for 2014, one-time funding of \$65,000 for the 2014 Community Partnership Program budget, be approved to ensure that all special events receive the amount of monies to offset increased ERCS costs with the funding to come from the CPP Reserve Account.

**March 20**

**(d) Budget Amendments to Reduce the Operating Levy**

That the following amendments to reduce the operating levy totaling \$693,664 be approved:

- (i) D1 – Corporate Financials – Deferral of IT Process Audit Improvement (operating impacts from Capital) – (\$297,000); (2.0 FTE)
- (ii) D2 – Corporate Services – Clerk's Increase in Registration Revenues – (\$38,000)

- (iii) D3 – Public Health Services – Healthy Babies Healthy Children program efficiencies – (\$32,700); 0.5 FTE
- (iv) D4 – Public Health Services – Various Operating Lines – (\$62,300)
- (v) D5 – Community and Emergency Services – Ontario Works Caseloads Decrease in Cost per Case (\$671,000 gross) – (\$76,489)
- (vi) D6 – Community and Emergency Services – Adjustment to Social Housing Operating Subsidies – (\$187,175)
- (vii) D7 – Public Health Services – Smoking Cessation Clinic Nicotine Replacement Therapy (NRT) (\$25,000 gross) - \$0

**(B) ITEMS NOT INCLUDED IN THE 2014 TAX-SUPPORTED OPERATING BUDGET AS PER DISCUSSIONS AT THE FEBRUARY 13 GIC BUDGET MEETING**

It was understood by the Committee that any items listed on the Council-referred and Council-requested items which were not discussed will not be considered during the budget deliberations. These items included the following:

- (a) Council-referred Item C5 – Health Promotion Problem Gambling
- (b) Council-referred Item C7 – Street Sweeping Service Adjustment – Burlington Street Industrial Zone
- (c) Council-referred Item C9 – Integrated Pest Management: Option 2 (Sports Field Replacement/Renovation)
- (d) Council-referred Item C11 – Language Translation and Interpretation Services
- (e) Council-referred Item C12 – Lobbyist Registry
- (f) Council-requested Enhancement D8 – Court Administration Clerk (POA)
- (g) Council-referred Item C13 – Open Data.

**(C) STAFF DIRECTIONS BY MOTION:**

**February 7**

- (a) Employee-Related Costs from Capital Budget and Corporate Reserve Accounts**

That staff report back to the General Issues Committee with an update related to employee-related costs drawn from the capital budget accounts and corporate reserve accounts.

**Council – April 9, 2014**

**February 27**

**(b) HSR Low Performing Routes**

The Committee directed staff to report back on low performing routes for consideration of reducing existing service levels or eliminating the service entirely, and re-allocating the service hours toward service level enhancements.

**(c) Overtime Expenses**

The Committee requested that staff bring a report back respecting overtime expenses, including historical patterns and trends, costs and categories, using the information provided in a report presented in 2014 as a baseline.

**March 4**

**(d) Revenue Generation – Off Street Surface Parking**

That staff be directed to provide a report on the analysis and feasibility of revenue generation as it relates to off-street surface parking, to the March 20, 2014 General Issues Committee for consideration.

**March 20**

**(e) Correspondence from Theatre Aquarius respecting Opera Hamilton**

That the correspondence from Theatre Aquarius regarding Opera Hamilton (attached hereto as Appendix "C") be forwarded to staff for consideration, and that staff report back to the General Issues Committee with a recommendation and response.

**(D) TABLED MOTIONS**

**March 4**

**(a) 2014 Tax-Supported Operating Budget – Recommendations (FCS14005) (City Wide) (Item 5.2)**

Report FCS14005 respecting the 2014 Tax-Supported Operating Budget – Recommendations, as amended, was tabled to the March 20, 2014 meeting of the General Issues Committee (Budget Deliberations).

**March 20**

**(b) 2014 Tax Levy**

Sub-section N(i) of Report FCS14005 respecting the 2014 Tax Supported Operating Budget - Recommendations, which reads as follows, was tabled to Council:

- (i) That the City Solicitor & Corporate Counsel be authorized and directed to prepare all necessary by-laws, for Council approval, for the purposes of establishing the tax levy.

**(E) PUBLIC HEARINGS/DELEGATIONS**

**January 23 and 24 – Board and Agencies**

The Committee received presentations from the following Boards and Agencies:

January 23                      Conservation Halton  
Hamilton Conservation Authority  
Grand River Conservation Authority  
Niagara Peninsula Conservation Authority  
Hamilton Public Library  
Hamilton Police Service

January 24                      Hamilton Beach Rescue  
Royal Botanical Gardens  
Festival of Friends  
Art Gallery of Hamilton  
Boris Brott Music Festival  
Opera Hamilton  
Theatre Aquarius  
Hamilton Philharmonic Orchestra

**February 27 – Public Delegations**

- (i) Denise Doyle, Co-Chair, Status of Women Committee
- (ii) Evelyn Muryie, Executive Director, Hamilton Centre for Civic Inclusion
- (iii) David Arbuckle
- (iv) Bill Tufts, Fair Pensions for All
- (v) Richard Wikkerink, Associate Provost, Co-Curriculum and Student Development, Redeemer University/College
- (vi) Justin Eisenga, Garnering Support
- (vii) Arend Kersten, Executive Director, Flamborough Chamber of Commerce
- (viii) Don McLean, Hamilton 350 Committee
- (ix) Dr. Jim Quinn
- (x) Ken Stone, Hamilton 350 Committee

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- (xi) Larry Pomerantz, Hamilton Civic League
- (xii) Jim Sweetman
- (xiii) Roman Sarachman
- (xiv) Matthew Thompson, Beasley Neighbourhood Association
- (xv) John McGreal
- (xvi) Raymond L. Fullerton
- (xvii) Lynda Lukasik, Environment Hamilton
- (xviii) Elenor Horgan

**(F) APPROVAL OF PREVIOUS MINUTES**

**February 27**

Minutes of the following meetings were approved as presented:

- (i) January 23-24 (Boards and Agencies)
- (ii) January 29 (Corporate Overview)
- (iii) January 29 (Departmental Overviews – Public Works/Corporate Services)
- (iv) February 7 (Departmental Overviews – Public Health/Planning)
- (v) February 11 (Departmental Overviews – Community and Emergency Services/City Manager and Corporate Financials)
- (vi) February 13 (Budget Enhancements)

**March 20**

- (i) February 25 (Public Delegations)
- (ii) February 27 (Budget Deliberations)
- (iii) March 4 (Budget Deliberations)

**April 2**

- (i) March 20 (Budget Deliberations)

**(G) REPORTS RECEIVED:**

The following Reports were received:

**February 13**

- (i) Tim Horton's Field Enhancements (PW14016) (City Wide) (Item 5.1)
- (ii) Centennial Parkway Regional Shopping Complex Transit Service (PW12009(b)) (Ward 5) (Item 5.2)
- (iii) Red Hill Business Park Transit Service (PW12100(a)) (Ward 11) (Item 5.3)
- (iv) 2014 Transit Service Enhancement Plan (PW14015) (City Wide) (Item 5.4)

- (v) Eligibility and Registration for Accessible Transportation Services (PW03128(g)) (City Wide) (Item 5.5)
- (vi) Growth Management and Planning Division – AMANDA Staff and Program Enhancement (PED14035) (City Wide) (Item 5.6)
- (vi) Program Enhancement – Zoning Examiner/Code Correlator (PED14036) (City Wide) (Item 5.7)
- (viii) Language Line Enhancement Pilot (FCS13020(a)) (City Wide) (Item 5.8)
- (ix) Funding for Additional Paramedic Staff (CES14004) (City Wide) (Item 5.9)

**March 4**

- (i) 2013 Assessment Growth (FCS14021) (City Wide) Item 5.1)

**March 20**

- (i) Tim Horton's Field Enhancements (PW14016(a)) (City Wide)

**(H) PRIVATE AND CONFIDENTIAL**

**March 4**

The Committee moved into Closed Session at 12:00 Noon pursuant to Section 8.1(e) of the City's Procedural By-law 10-053 and Section 239.2 of the Ontario Municipal Act, 2001, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board, respecting Appeals and Assessment Appeals that are under review.

The motion to move into Closed Session CARRIED on the following vote:

Yeas:	Partridge, Whitehead, Jackson, Collins, Merulla, Morrow, Farr, Pearson, Ferguson, Powers, Pasuta
Total Yeas:	11
Nays:	Clark, Johnson
Total Nays:	2
Absent:	Bratina, Duvall, McHattie
Total Absent:	3

The Committee reconvened in Open Session at 12:07 p.m. and advised the public that as there were concerns respecting the legitimacy around the reasons for moving into closed session, the Committee reconvened in Open Session.

Staff was directed to review the matter with the City Solicitor, and bring the matter forward at a future General Issues Committee meeting.

March 20

**Closed Session Minutes – March 4, 2014**

The closed session Minutes from the March 4, 2014 meeting of the General Issues Committee was approved as presented. These Minutes will remain confidential and restricted from public disclosure.

**(H) ADJOURNMENT**

There being no further business, the Committee adjourned at 2:06 p.m. on March 20, 2014.

Respectfully submitted

Councillor B. McHattie  
Deputy Mayor – January

Councillor S. Merulla  
Deputy Mayor - February

Councillor J. Partridge  
Deputy Mayor – March

Carolyn Biggs  
Legislative Co-ordinator  
January-March, 2014

**Reference of Budget Meetings**

January 23-24	Boards and Agencies
January 29	Corporate Overview
January 29	Departmental Overviews – Public Works and Corporate Services
February 7	Departmental Overviews – Public Health and Planning and Economic Development

February 11	Departmental Overviews – Community and Emergency Services, City Manager’s Office and Corporate Financials
February 13	2014 Council-Referred Items and Requested Enhancements
February 25	Public Delegations
February 27, March 4 and 20	Budget Deliberations

2014 Boards and Agencies Operating Budget		
#	Board/Agency	2014 NET Preliminary Budget
<b>City Boards:</b>		
1	Hamilton Police Services	143,880,240
2	Hamilton Public Library	28,082,440
	<b>Subtotal</b>	<b>171,962,680</b>
<b>Conservation Authorities:</b>		
3	Niagara Peninsula Conservation Authority	513,470
4	Grand River Conservation Authority	246,880
5	Conservation Halton	176,400
6	Hamilton Conservation Authority	3,569,320
	<b>Subtotal</b>	<b>4,506,060</b>
<b>HCA: Contracted Services</b>		
7	HCA: Contracted Services - Westfield Village	<b>546,600</b>
<b>Grants:</b>		
8	Art Gallery of Hamilton	937,410
9	Boris Brott - Approved Grant	90,110
10	Hamilton Beach Rescue Unit Inc.	126,810
11	Hamilton Philharmonic Orchestra	113,700
12	HWCA - Festival of Friends	85,270
13	Opera Hamilton	126,930
14	Theatre Aquarius	73,530
15	Royal Botanical Gardens	599,210
	<b>Subtotal</b>	<b>2,152,970</b>
<b>Other Items:</b>		
16	MPAC	6,215,950
17	Community Partnership Program	3,212,200
	<b>Subtotal</b>	<b>9,428,150</b>
<b>Total for All Boards and Agencies</b>		<b>188,596,450</b>

# CITY OF HAMILTON 2014 TAX SUPPORTED OPERATING BUDGET AMENDMENTS

Appendix "B" to Items 2(D) to (L) of General Issues  
Committee Report 14-002, as amended by Council on April 9, 2014

Department	Description	FTE	Preliminary Budget	Net Levy Adjustment	Levy Increase \$	Residential Impact	
						Muni	Total
Operating Levy Impact Preliminary Budget - Budget Book (Jan. 29 GIC)		6,925.17	\$ 748,635,100		\$ 21,357,020	2.2%	1.8%
GIC AMENDMENTS APPROVED:							
March 20th GIC							
Corp Fin/Non-Prog	Deferral of IT Process Audit Improvement (operating impact from capital)	(2.00)		(297,000)			
Corp Serv	Clerks increase in registration revenues			(38,000)			
PHS	Healthy Babies Healthy Children program efficiencies	(0.50)		(32,700)			
PHS	Various operating lines			(62,300)			
CESD	Ontario Works caseloads decrease in cost per case (\$671k gross)			(76,489)			
CESD	Adjustment to social housing operating subsidies			(187,175)			
PHS	Smoking Cessation Clinic Nicotine Replacement Therapy (NRT) (\$25k gross)			0			
PW	A3 - Rapid Ready Expanding Mobility	15.00		325,000			
PW	Add'l transit revenue based on year-end actual			(500,000)			
PED	Add'l parking revenues commencing July 1st			(61,380)			
CESD	A1 - Hamilton Civic Centre for Civic Inclusion			50,000			
CESD	A2 - Adult Day Program User Fee subsidy			65,000			
PED	B1 - Zoning By-Law Review for Planning Applications	1.00		60,054			
PED	B2 - Update Amanda System	1.00		67,000			
CESD	B3 - Early Years System Management (\$98k gross)	1.00		0			
CESD	B4 - Ambulance Staffing (\$539k gross)	10.00		269,314			
PW	B6 - Storm Water Facilities Maintenance Program			300,000			
March 4th GIC							
Community Grants	CPP funding for increased ERCS costs (\$65k gross, funded from CPP reserve)				0		
Feb 27th GIC							
Legislative	Hamilton Veterans Committee				5,000		
Legislative	Hamilton Cycling Committee				1,000		
Legislative	Hamilton Cycling Committee - One Time Add'l (\$1k gross funded from reserve)				0		
Legislative	Hamilton Youth Advisory Committee - One Time Add'l (\$2.5k gross funded from reserve)				0		
Legislative	Hamilton Historical Board - One Time Add'l (\$2.37k gross funded from reserve)				0		
Legislative	Keep Hamilton Clean & Green Committee - One Time Add'l (\$10.55k gross funded from reserve)				0		
Feb 13th GIC							
Community Grants	C14 - Agricultural and Rural Affairs Committee (\$5k gross funded from reserve)				0		
Community Grants	C10 - James Street North SuperCrawl Event (\$80k gross funded from reserve)				0		
Corp Fin/Non-Prog	Flamboro Slot revenue increase from non-approval of C5 - Health Promotion Problem Gambling				(70,000)		
Feb 11th GIC							
Corp Fin/Non-Prog	Supplementary Taxes				(500,000)		
Corp Fin/Non-Prog	Payments in Lieu				(117,900)		
Corp Fin/Non-Prog	Flamboro Slot				500,000		
Feb 7th GIC							
PHS	100% provincial funding for the Needle Exchange Program Supplies (\$47k gross)				(18,000)		
		25.50			\$ (318,576)	0.0%	0.0%
AVERAGE RESIDENTIAL TOTAL TAX IMPACT		6,950.67	\$ 748,316,524		21,038,444	2.2%	1.8%
Average Residential Reassessment-related tax impact						(0.1)%	(0.3)%
AVERAGE RESIDENTIAL TOTAL TAX IMPACT (Inclusive of reassessment)						2.0%	1.5%

Note - anomalies in totals due to rounding.

Appendix "C" to Information Item B(e) of  
General Issues Committee Report 14-002`

**THEATRE AQUARIUS**  
Ron Ulrich, Artistic Director



**DOFASCO**  
Centre for the Arts

190 King William Street  
Hamilton, ON L8R 1A8  
p 905 522 7815 / f 905 667 0107  
[www.theatreaquarius.org](http://www.theatreaquarius.org)

February 25, 2014

Mayor Bob Bratina  
Members of Hamilton City Council  
Hamilton City Hall  
2<sup>nd</sup> Floor – 71 Main St. West  
Hamilton, ON  
L8P 4Y5

Dear Mayor Bratina and Members of Hamilton City Council:

I am writing to you to provide an update as to the status of the three-way business relationship between Theatre Aquarius, Opera Hamilton, and the City of Hamilton as you consider the implications of the recent loss of Opera Hamilton to our city.

As you may be aware, the loss of Opera Hamilton has left Theatre Aquarius in a precarious financial position, as our company is faced with unpaid debts to date of approximately \$83,324.00. Moreover, while we have been successful in avoiding the labour costs associated with Opera Hamilton's final show in April of 2014, we have been unable to find another production to occupy Theatre Aquarius at that time. It is very likely that Theatre Aquarius will therefore also be out the total facility fee owed to it by Opera Hamilton for the final show, being \$18,333.33, bringing the total financial impact on Theatre Aquarius to \$101,657.33. Theatre Aquarius has previously provided the City with a summary of the serious financial impact on Theatre Aquarius as a result of Opera Hamilton's decision to cease its operations.

Below is a background summary outlining the current situation.

**Background:** In 2011, Theatre Aquarius offered Opera Hamilton an opportunity to perform its 2011-12 season at The Dofasco Centre for the Arts. Theatre Aquarius viewed the opportunity as a positive, strategic step towards becoming a centre for the performing arts in Hamilton.

Throughout 2012, Opera Hamilton was late in meeting its financial labour and rental obligations to Theatre Aquarius. Opera Hamilton's debt obligation had been chronic for more than a year, exposing Theatre Aquarius to increased financial burden. It has also come to light that HECFI experienced similar late payment issues when Opera Hamilton performed at Hamilton Place resulting in late expenses being deducted from the annual Municipal Grant to Opera Hamilton.

For the 2012-2013 Opera Hamilton season, Theatre Aquarius agreed to allow Opera Hamilton to continue performing at The Dofasco Centre for the Arts upon the condition that Opera Hamilton request and receive permission from the City to sign over its 2013 Municipal Grant directly to Theatre Aquarius to cover all costs associated with Opera Hamilton's rental of our venue (including labour costs). This arrangement ensured that Opera Hamilton would continue to provide a season of opera for its patrons.

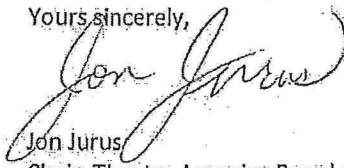
and Theatre Aquarius did not have to act financially on behalf of Opera Hamilton, keeping Theatre Aquarius sheltered from any potential risk of financial viability.

**2013-2014 Opera Hamilton Season:** As per past practice and prior to entering into an agreement between Theatre Aquarius and Opera Hamilton for Opera Hamilton's 2013-2014 season, both Opera Hamilton and Theatre Aquarius wrote to the City requesting that Opera Hamilton's Municipal Grant be paid directly to Theatre Aquarius. Theatre Aquarius agreed to proceed with the historical arrangement based upon the City's response that *"as per previous years, the City continues to be agreeable to forwarding their 2014 grant to Theatre Aquarius in payment of any outstanding debt and/or future payments for services rendered."*

As a not-for-profit cultural arts organization, Theatre Aquarius has neither the financial capacity nor the ability to absorb the financial impact of the ceasing of operations of Opera Hamilton. As you may well appreciate, the crisis that has emerged from Opera Hamilton has now become a crisis for Theatre Aquarius. It is our sincere hope that this background information has provided you with clarity, and we look forward to the City's response at the earliest convenience.

Should you have questions or concerns, please do not hesitate to contact Lorna Zaremba, General Manager of Theatre Aquarius, (905.522.7815 x223) for further information. Thank you for your consideration of this matter.

Yours sincerely,



Jon Jurus  
Chair, Theatre Aquarius Board of Directors

cc: Rose Caterini, City Clerk  
Mary Gallagher, Deputy City Clerk  
Mike Zegarac, Acting General Manager, Finance and Corporate Services



## **PLANNING COMMITTEE**

**As Amended by Council on April 9, 2014**

**REPORT 14-005**

**9:30 am**

**Tuesday, April 1, 2014**

**Council Chambers**

**Hamilton City Hall**

**71 Main Street West**

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**Present:** Councillors B. Johnson (Chair), J. Partridge (1<sup>st</sup> Vice Chair), C. Collins (2<sup>nd</sup> Vice Chair), J. Farr, B. Clark, L. Ferguson, R. Pasuta, M. Pearson and T. Whitehead

**Also Present:** Councillor R. Morrow

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### **THE PLANNING COMMITTEE PRESENTS REPORT 14-005 AND RESPECTFULLY RECOMMENDS:**

- 1. Hamilton Heritage Conservation Grant Program (City Wide) (PED14055) (Item 5.1)**
  - (a) That the Hamilton Heritage Conservation Grant Program (HHCGP) be implemented for a three-year trial basis, according to the program terms and conditions identified as Appendix "A" attached hereto;
  - (b) That the General Manager of Planning and Economic Development be authorized to approve grants to a maximum of \$5,000 per grant, to applicants under the Hamilton Heritage Conservation Grant Program;
  - (c) That By-law 10-052 as amended, which delegates authority of certain loans and grants to the General Manager, Planning and Economic Development, be repealed and replaced with the By-law attached as Appendix "C" to Report PED14055;
  - (d) That staff from the Urban Renewal Section report back to Council by 2017 to provide an update on the program for further direction.

**2. Information Report Animal Services - Service Delivery (PED14053) (Item 5.2)**

That Report PED14053, Information Report Animal Services - Service Delivery, be received.

**3. Request to Designate 304 Main Street East (Hamilton) (Canadian Tire Gas Bar) Under Part IV of the Ontario Heritage Act (PED14045) (Ward 2) (Item 5.3)**

That Report PED14045, Request to Designate 304 Main Street East (Hamilton) (Canadian Tire Gas Bar) Under Part IV of the Ontario Heritage Act, be received.

**4. Hamilton Historical Board Minutes - February 18, 2014 (Item 5.4)**

That the Hamilton Historical Board Minutes - February 18, 2014, be received.

**5. St. Clair Boulevard Heritage Conservation District (Item 9.3)**

Whereas the former City of Hamilton passed By-Law No. 92-140 designating lands on St. Clair Boulevard between Delaware Avenue and Cumberland Avenue, identified in Schedule "A" of By-law No. 92-140, as a Heritage Conservation District under Part V of the Ontario Heritage Act, known as the St. Clair Boulevard Heritage Conservation District;

And Whereas the City of Hamilton prepared the St. Clair Boulevard Heritage Conservation District Background Study and Plan (1992) and established the St. Clair Boulevard Heritage Conservation District Advisory Committee;

And Whereas amendments have been made to the Ontario Heritage Act, since Council passed By-Law No. 92-140 designating the St. Clair Boulevard Heritage Conservation District;

And Whereas the St. Clair Boulevard Heritage Conservation District Advisory Committee has expressed an interest in revising the St. Clair Boulevard Heritage Conservation District Background Study and Plan (1992) and formally adopting a district plan under the amended Ontario Heritage Act;

And Whereas Part V of the Ontario Heritage Act, as amended, requires that a by-law designating a heritage conservation district shall include the adoption of a heritage conservation district plan, and prescribes the contents of a heritage conservation district plan;

And Whereas capital funding for the review of the St. Clair Boulevard Heritage Conservation District Plan was included in the preliminary 2014 Capital Project Listing for the Planning & Economic Development Department, but was not included in the final project list.

THEREFORE BE IT RESOLVED:

That \$100,000 be re-allocated from the 2014 Capital Budget for the Public Works Department for Leaf & Yard Composting Facility Relocation (Project ID 5121290111) to the Capital Budget for the Planning and Economic Development Department for the purposes of conducting the St. Clair Boulevard Heritage Conservation District Plan Review (Project ID 8121455500).

**6. Application for Approval of a Draft Plan of Condominium (Common Elements) by Parkside Developments (Albion) Limited, for Lands Known as 36 Waterbridge Street (Stoney Creek) (PED14048) (Ward 9) (Item 6.2)**

That approval be given to Draft Plan of Condominium Application 25CDM-201307 by Parkside Developments (Albion), Owner, to establish a Draft Plan of Condominium (Common Elements) to create a condominium driveway, sidewalks, visitor parking areas, and open space, for 92 freehold townhouse dwellings, on lands located at 36 Waterbridge Street, Stoney Creek, as shown on Appendix "A" to Report PED14048, subject to the following conditions:

- (a) That this approval shall apply to the plan, prepared by A.T. McLaren Limited, and certified by S.D. McLaren, dated July 31, 2013, showing a condominium driveway, sidewalks, visitor parking areas, and open space, attached as Appendix "B" to Report PED14048;
- (b) That the Final Plan of Condominium shall comply with all of the applicable provisions of Zoning By-law No. 3692-92, as amended by By-law No. 10-324 and Minor Variance application SC/A-13:88;
- (c) That the Final Plan of Condominium shall comply, in all respects, with the approved Site Plan (DA-12-150), to the satisfaction of the Director of Planning;
- (d) That the owner has received final approval of Part Lot Control Application PLC- 13-028, including the enactment and registration on title of the Part Lot Control Exemption By-law No. 14-009, to the satisfaction of the Director of Planning;
- (e) That the owner shall enter into a Development Agreement to ensure that the tenure of each of the proposed freehold townhouse dwellings having frontage on the condominium road has legal interest, in common, to the Common Elements Condominium, to the satisfaction of the City Solicitor;

- (f) That the owner shall agree to include in all offers of purchase and sale, a statement that advises the purchaser:
  - (i) Purchasers/tenants are advised that the City of Hamilton will not be providing maintenance or snow removal service for the private condominium road.
- (g) That the owner shall agree to:
  - (i) Work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision.
  - (ii) Determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans. Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.
  - (iii) Provide the centralized mail facility at their own expense, as per Canada Post's multi-unit policy, which will be in effect for buildings and complexes with a common lobby, common indoor or sheltered space.
- (h) Register an easement for drainage purposes over Block 131 of the Registered Plan of Subdivision, 62M-1182, in favour of the future Condominium Corporation, to the satisfaction of the Director of Planning;
- (i) That the owner/developer shall provide to Union Gas Limited, the necessary easements and/or agreements required by Union Gas Limited for the provision of gas services for this project, in a form satisfactory to Union Gas Limited;
- (j) That the owner shall satisfy all conditions, financial or otherwise, of the City of Hamilton.

**7. Application for an Amendment to City of Hamilton Zoning By-law No. 6593 for Lands Located at 87 Redfern Avenue (Hamilton) (PED14050) (Ward 8) (item 6.3)**

- (a) That approval be given to Zoning By-law Amendment Application ZAR-13-049, by Starward Homes, Owner, for a change in zoning from the "RT-20/S-1654" (Townhouse – Maisonette) District, Modified, to the "R4"

(Small Lot Single Family Detached) District, to permit one single-detached dwelling, on lands located at 87 Redfern Avenue (Hamilton), as shown on Appendix "A" to Report PED14050, on the basis:

- (i) That the draft By-law, attached as Appendix "B" to Report PED14050, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
  - (ii) That the proposed modification in zoning conforms to the Urban Hamilton Official Plan (UHOP).
- (b) That upon finalization of the implementing By-law, the Mountview Neighbourhood Plan be amended by changing the designation of the subject lands from "Institutional" to "Residential – Single and Double".

**8. Application for Approval of a Draft Plan of Subdivision, on Lands Located at 440 Victoria Avenue North, Hamilton (PED14040) (Ward 3) (Item 6.4)**

That approval be given to amended Draft Plan of Subdivision Application 25T-201208, by DCR Holdings, Owner, to establish a draft plan of subdivision known as "Freeman Industrial Park", on lands located at 440 Victoria Avenue North (Hamilton), as shown on Appendix "A" to Report PED14040, subject to the following conditions:

- (a) That this approval apply to "Freeman Industrial Park", 25T-201208, prepared by GSP Group and UrbanCore Developments, and certified by S.D McLaren, O.L.S., dated May 9, 2013, as redline revised, showing 18 lots (Lots 1-18) for industrial purposes, one new municipal street (Street 'A'), and one block for a one foot reserve (Block 19), attached as Appendix "B" to Report PED14040, subject to the owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with Special Conditions attached as Appendix "C" to Report PED14040; and,
- (b) Acknowledgement by the City of Hamilton of its responsibility for cost-sharing with respect to this development for the following item:
  - 1. The extension of sidewalks along the north side of Mars Avenue from the end of the existing sidewalk to the limit of Wentworth Avenue North, form an approved Capital Budget Source, in accordance with applicable Council policies.

all in accordance with the Financial Policies for Development, as approved by Council.

**9. Applications to Amend Stoney Creek Zoning By-law No. 3692-92 and for Approval of a Draft Plan of Subdivision Known as "Foothills of Winona Phase 3", for Lands Located at 1335 Barton Street, Stoney Creek (PED14054) (Ward 11) (Item 6.5)**

- (a) That approval be given to Zoning Application ZAC-13-022, by 1800615 Ontario Inc., A. DiCenzo and S. Manchia, Owners, for a for a change in zoning from the Agricultural Specialty "AS" Zone to the: Multiple Residential "RM2-38" Zone (Blocks 1 and 4); Multiple Residential "RM3-48" Zone (Blocks 2 and 3); and, Multiple Residential "RM3-47" Zone (Block 5), for the lands located at 1335 Barton Street, as shown on Appendix "A" to Report PED14054, on the following basis:
  - (i) That the draft By-law, attached as Appendix "B" to Report PED14054, 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. 9, of Stoney Creek Zoning By-law No. 3692-92;
  - (iii) That the proposed change in zoning is in conformity with the Urban Hamilton Official Plan (UHOP).
- (b) That approval be given to Draft Plan of Subdivision Application 25T-201304, by 1800615 Ontario Inc., A. DiCenzo and S. Manchia, Owners, to establish a draft plan of subdivision known as "Foothills of Winona Phase 3", on lands located at 1335 Barton Street (Stoney Creek), as shown on Appendix "A" to Report PED14054, subject to the following conditions:
  - (i) That this approval apply to "Foothills of Winona Phase 3", 25T-201304, prepared by GSP Group, and certified by Edward J. Grenkie, O.L.S., dated May 27, 2013, as redline revised, for a maximum of 77 units comprised of 6 blocks (Blocks 1-6) for 36 street townhouse units, 2 blocks (Blocks 7 and 8) for 41 townhouse units, 2 blocks (Blocks 9 and 10) for future development with the adjoining Blocks in "Foothills of Winona Phase 2" for street townhouse units (Block 9) and townhouse units (Block 10), and one new municipal street (Street 'A') attached as Appendix "C" to Report PED14054, subject to the owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with Special Conditions attached as Appendix "D" to Report PED14054;
  - (ii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 42 of the Planning Act, and will be calculated in accordance with the City's Parkland Dedication By-law, and

shall be based on the value of the lands on the day prior to the issuance of each Building Permit at a parkland dedication rate of 1 hectare for each 300 dwelling units proposed for multiple dwellings;

- (iii) Acknowledgement that there will be no City share for any municipal works associated with this development;

all in accordance with the Financial Policies for Development and the City's Parkland Dedication By-law, as approved by Council.

- (c) That the proposed Fruitland-Winona Secondary Plan be modified to identify portions of the subject lands as Area Specific Policy - Area "I", as identified in Appendix "E" to Report PED14054.
- (d) That Appendix D, Special Conditions for 25T-201304 "Foothills of Winona Phase 3", Item 16, be amended by deleting the words, "and backup power unit", after the words "overflow on surface".

**10. Application for a Zoning By-law Amendment for Lands Located at 231 York Road (Dundas) (PED14044) (Ward 13) (Item 6.6)**

That Zoning By-law Application ZAC-13-040, by Recchia Developments Inc. (Owner), for a change in zoning from the Single-Detached Residential "R2" Zone, to the Low Density Residential "R3/S-124" Zone, with a Special Exception, in order to permit the development of 12 semi-detached dwelling units (within 6 buildings), for lands located at 231 York Road (Dundas), as shown on Appendix "A" to Report PED14044, be DENIED.

**11. Renaming of the Trinity Church Arterial Road Corridor (Item 9.1)**

Whereas the Red Hill Business Park South Transportation Master Plan finalized the location of the Trinity Church Arterial Road Corridor;

And whereas the Trinity Church Arterial Road Corridor will no longer connect to Trinity Church Road;

Therefore be it resolved;

- (a) That the Trinity Church Arterial Road Corridor be renamed as Upper Red Hill Valley Parkway from Stone Church Road East to the point of connection to the future extension of Twenty Road East;

- (b) That this motion be forwarded to all departments in the City of Hamilton, and all agencies and utilities that receive regular notification from the City concerning street names and addressing.

**12. Naming of the Waterdown East/West Roadway (Item 9.2)**

Whereas the Waterdown/Aldershot Transportation Master Plan finalized the location of the Waterdown East/West Roadway;

Therefore be it resolved;

- (a) That the Waterdown East/West Roadway be named as North Waterdown Drive from Highway No. 6 to the point of connection with Parkside Drive;
- (b) That this motion be forwarded to all departments in the City of Hamilton, and all agencies and utilities that receive regular notification from the City concerning street names and addressing.

**13. 1232 Golf Club Rd. Proposed Settlement of OMB Appeal (LS14015/PED14090) (Ward 11) (Item 12.3)**

- (a) That staff be directed to enter into Minutes of Settlement with the appellant which will reflect the revisions to the proposed application as set out in Report LS14015/PED14090;
- (b) That staff be directed to present the Minutes of Settlement to the Ontario Municipal Board as the basis for a full settlement of the appeal; and,
- (c) That Report LS14015/PED14090, and the appendices, remain confidential.

**FOR THE INFORMATION OF COUNCIL:**

**(a) CHANGES TO THE AGENDA (Item 1)**

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

**1. DELEGATION REQUESTS**

- 4.2 Delegation Request from John Ariens respecting item 5.3, Request to Designate 304 Main Street East (Hamilton) (Canadian Tire Gas Bar) Under Part IV of the Ontario Heritage Act (PED14045) (Ward 2)

2. PRIVATE AND CONFIDENTIAL

12.3 1232 Golf Club Rd. Proposed Settlement of OMB Appeal  
(LS14015/PED14090) (Ward 11)

Pursuant to Sub-sections 8.1(f) and (e) of the City's Procedural By-law and Section 239.2 of the Municipal Act as the subject matter pertains to the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose and litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board

3. 9.3 St. Clair Boulevard Heritage Conservation District

Moved to after consent items.

The Agenda for the April 1, 2014 meeting of the Planning Committee were approved, as amended.

**(b) DECLARATIONS OF INTEREST (Item 2)**

None.

**(c) APPROVAL OF MINUTES (Item 3)**

**(i) March 18, 2014**

The Minutes of the March 18, 2014 Planning Committee meeting were approved.

**(d) DELEGATION REQUESTS (Item 4)**

**(i) Delegation Request from MasonryWorx respecting new home construction and municipal sustainability for a future meeting (Item 4.1)**

The delegation request from MasonryWorx respecting new home construction and municipal sustainability, was approved for a future meeting.

**(ii) Delegation Request from Matt Johnston, on behalf of John Ariens, respecting item 5.3, Request to Designate 304 Main Street East (Hamilton) (Canadian Tire Gas Bar) Under Part IV of the Ontario Heritage Act (PED14045) (Ward 2) (Item 4.2)**

The delegation request from Matt Johnston respecting item 5.3, Request to Designate 304 Main Street East (Hamilton) (Canadian Tire Gas Bar) Under Part IV of the Ontario Heritage Act (PED14045) (Ward 2), was approved.

**(e) CONSENT ITEMS (Item 5)**

**(i) Hamilton Heritage Conservation Grant Program (City Wide) (PED14055) (Item 5.1)**

The motion CARRIED on the following vote:

Yeas:	Farr, Collins, Partridge, Johnson, Clark, Pasuta, Pearson Whitehead
Total:	8
Nays:	Ferguson
Total:	1

For disposition on this Item, refer to item 1.

**(ii) Request to Designate 304 Main Street East (Hamilton) (Canadian Tire Gas Bar) Under Part IV of the Ontario Heritage Act (PED14045) (Ward 2) (Item 5.3)**

Matt Johnston and Scott Arbuckle, on behalf of John Ariens, IBI Group, and the property owner, expressed that the property owner is opposed to the designation.

The delegation from Matt Johnston and Scott Arbuckle, on behalf of John Ariens, IBI Group, and the property owner, was received.

Report PED14045, Request to Designate 304 Main Street East (Hamilton) (Canadian Tire Gas Bar) Under Part IV of the Ontario Heritage Act, was received.

The motion CARRIED on the following vote:

Yeas:	Collins, Partridge, Johnson, Clark, Pasuta, Pearson Whitehead, Ferguson
Total:	8
Nays:	Farr
Total:	1

For disposition on this Item, refer to item 3.

**(f) PUBLIC HEARINGS AND DELEGATIONS (Item 6)**

**(i) Delegation from Anna Roberts and Viv Saunders respecting changes to Land Use Process and Procedures (Item 6.1)**

The delegation from Anna Roberts and Viv Saunders respecting changes to Land Use Process and Procedures, was tabled to the May 6, 2014 meeting of Planning Committee

**(ii) Application for Approval of a Draft Plan of Condominium (Common Elements) by Parkside Developments (Albion) Limited, for Lands Known as 36 Waterbridge Street (Stoney Creek) (PED14048) (Ward 9) (Item 6.2)**

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 draft plan of condominium, 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.

No public speakers came forward.

The public meeting respecting Report PED14048, Application for Approval of a Draft Plan of Condominium (Common Elements) by Parkside Developments (Albion) Limited, for Lands Known as 36 Waterbridge Street (Stoney Creek), was closed.

The staff presentation respecting Report PED14048, Application for Approval of a Draft Plan of Condominium (Common Elements) by Parkside Developments (Albion) Limited, for Lands Known as 36 Waterbridge Street (Stoney Creek), was waived.

Matt Johnston, on behalf of the applicant, provided information on waste collection.

For disposition on this Item, refer to item 6.

**(iii) Application for an Amendment to City of Hamilton Zoning By-law No. 6593 for Lands Located at 87 Redfern Avenue (Hamilton) (PED14050) (Ward 8) (item 6.3)**

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 zoning by-law amendment, 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.

No public speakers came forward.

The public meeting respecting Report PED14050, Application for an Amendment to City of Hamilton Zoning By-law No. 6593 for Lands Located at 87 Redfern Avenue (Hamilton), was closed.

Tim Lee, 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 respecting Report PED14050, Application for an Amendment to City of Hamilton Zoning By-law No. 6593 for Lands Located at 87 Redfern Avenue (Hamilton), was received.

For disposition on this Item, refer to item 7.

**(iv) Application for Approval of a Draft Plan of Subdivision, on Lands Located at 440 Victoria Avenue North, Hamilton (PED14040) (Ward 3) (Item 6.4)**

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 draft plan of subdivision, 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.

No public speakers came forward.

The public meeting respecting Report PED14040 Application for Approval of a Draft Plan of Subdivision, on Lands Located at 440 Victoria Avenue North, Hamilton, was closed.

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 respecting Report PED14040 Application for Approval of a Draft Plan of Subdivision, on Lands Located at 440 Victoria Avenue North, Hamilton, was received.

Caroline Baker, GSP Group, on behalf of the applicant, and Sergio Manchia, IBI Group, provided an overview of the application with the aid of a PowerPoint presentation. A copy of the presentation has been included in the public record.

The agent's presentation respecting Report PED14040 Application for Approval of a Draft Plan of Subdivision, on Lands Located at 440 Victoria Avenue North, Hamilton, was received.

For disposition on this Item, refer to item 8.

**(v) Applications to Amend Stoney Creek Zoning By-law No. 3692-92 and for Approval of a Draft Plan of Subdivision Known as "Foothills of Winona Phase 3", for Lands Located at 1335 Barton Street, Stoney Creek (PED14054) (Ward 11) (Item 6.5)**

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 zoning by-law amendments and draft plan of subdivision, 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.

No public speakers came forward.

The public meeting respecting Report PED14054, Applications to Amend Stoney Creek Zoning By-law No. 3692-92 and for Approval of a

Draft Plan of Subdivision Known as "Foothills of Winona Phase 3", for Lands Located at 1335 Barton Street, Stoney Creek, was closed.

The staff presentation respecting Report PED14054, Applications to Amend Stoney Creek Zoning By-law No. 3692-92 and for Approval of a Draft Plan of Subdivision Known as "Foothills of Winona Phase 3", for Lands Located at 1335 Barton Street, Stoney Creek, was waived.

Caroline Baker, GSP Group, on behalf of the applicant, provided an overview of the application with the aid of a PowerPoint presentation. A copy of the presentation has been included in the public record. She also notified that this application should be referred to as Phase 4, rather than Phase 3.

The agent's presentation respecting Report PED14054, Applications to Amend Stoney Creek Zoning By-law No. 3692-92 and for Approval of a Draft Plan of Subdivision Known as "Foothills of Winona Phase 3", for Lands Located at 1335 Barton Street, Stoney Creek, was received.

The recommendations contained in Report PED14054, Applications to Amend Stoney Creek Zoning By-law No. 3692-92 and for Approval of a Draft Plan of Subdivision Known as "Foothills of Winona Phase 3" for Lands Located at 1335 Barton Street, Stoney Creek, were amended by adding a new sub-section (d), to read as follows:

- (d) That Appendix D, Special Conditions for 25T-201304 "Foothills of Winona Phase 3", Item 16, be amended by deleting the words, "and backup power unit", after the words "overflow on surface".

For disposition on this Item, refer to item 9.

**(vi) Application for a Zoning By-law Amendment for Lands Located at 231 York Road (Dundas) (PED14044) (Ward 13) (Item 6.6)**

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 zoning by-law amendment, 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 respecting Report PED14044, Application for a Zoning By-law Amendment for Lands Located at 231 York Road (Dundas), was received.

Ed Fothergill, on behalf of the applicant, provided a brief background of the application.

The agent's presentation respecting Report PED14044, Application for a Zoning By-law Amendment for Lands Located at 231 York Road (Dundas), was received.

**Public Speakers:**

1. Cathy Haggerty - 246 York Road, Dundas, ON L9H 6L8

Ms. Haggerty expressed concerns with the application in regards to: the character of neighbourhood; parking issues; lack of visitor parking; overflow parking on Fieldgate; setbacks are not uniform with rest of neighbourhood; the aesthetics; safety issues of walkways; poor site lines and increased pedestrian traffic. She indicated that the neighbourhood residents have issues with this proposal and concerns about the development on this property.

The public presentation respecting Report PED14044, Application for a Zoning By-law Amendment for Lands Located at 231 York Road (Dundas), was received.

The public meeting respecting Report PED14044, Application for a Zoning By-law Amendment for Lands Located at 231 York Road (Dundas), was closed.

**(Ferguson/Pearson)**

That approval be given to Zoning By-law Application ZAC-13-040, by Recchia Developments Inc. (Owner), for a change in zoning from the Single-Detached Residential "R2" Zone, to the Low Density Residential "R3/S-124" Zone, with a Special Exception, in order to permit the development of 12 semi-detached dwelling units (within 6 buildings), for lands located at 231 York Road (Dundas), as shown on Appendix "A" to Report PED14044, on the following basis:

- (a) That the draft By-law, attached as Appendix “B” to Report PED14044, that has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That the amending By-law be added to Schedule “Q” of Zoning By-law No. 3581-86; and,
- (c) That the proposed change in zoning is in conformity with the Urban Hamilton Official Plan (UHOP).

The motion was DEFEATED on the following vote:

Yeas: Farr Pearson Ferguson, Pasuta  
Total: 4  
Nays: Clark, Partridge, Whitehead, Collins, Johnson  
Total: 5

The recommendation to deny the application CARRIED on the following vote:

Yeas: Clark, Partridge, Whitehead, Collins, Johnson  
Total: 5  
Nays: Farr Pearson Ferguson, Pasuta  
Total: 4

For disposition on this Item, refer to item 10.

**(g) MOTIONS (Item 9)**

**(i) Renaming of the Trinity Church Arterial Road Corridor (Item 9.1)**

Yeas: Clark, Partridge, Whitehead, Farr, Pearson Ferguson,  
Pasuta, Johnson  
Total: 8  
Nays: Collins  
Total: 1

For disposition on this Item, refer to item 11.

**(ii) Naming of the Waterdown East/West Roadway (Item 9.2)**

For disposition on this Item, refer to item 12.

**(iii) St. Clair Boulevard Heritage Conservation District (Item 9.3)**

For disposition on this Item, refer to item 5.

**(h) 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 P: City Initiative to Amend Hamilton Zoning By-law No. 6593 for the Properties Located at 118 to 338 Mountain Brow Boulevard (Hamilton) (PED13101)  
Current Due Date: April 1, 2014  
Proposed Due Date: June 3, 2014
- (bb) Item FF: Performance Review – Planning and Economic Development Directors (No Copy)  
Current Due Date: April 1, 2014  
Proposed Due Date: April 15, 2014

**(i) PRIVATE AND CONFIDENTIAL (Item 12)**

**(i) Closed Session Minutes - March 18, 2014 (Item 12.1)**

- (a) The Closed Session Minutes of the March 18, 2014 meeting of the Planning Committee were approved, as presented.
- (b) The Closed Session Minutes of the March 18, 2014 meeting of the Planning Committee, are to remain confidential and restricted from public disclosure.

The Planning Committee moved into Closed Session, at 2:02 p.m. for the discussion of Item 12.2, pursuant to Section 8.1, Sub-section (c) of the City's Procedural By-law 10-053, and Section 239, Sub-section (c) of the Ontario Municipal Act, 2001, as amended, as the subject matter pertains to a proposed or pending acquisition or disposition of land by the municipality or local board.

Committee moved into open session at 2:16 p.m.

**(i) Possible Property Acquisition – Motion (tabled from March 18, 2014) (Item 12.2)**

Direction was provided to staff in closed session.

**(j) ADJOURNMENT**

There being no further business, the Planning Committee adjourned at 2:17 p.m.

Respectfully submitted,

Councillor B. Johnson  
Chair, Planning Committee

Vanessa Robicheau  
Legislative Coordinator  
Office of the City Clerk

## Hamilton Heritage Conservation Grant Program (HHCGP)

### 1.0 Program Description

The Hamilton Heritage Conservation Grant Program (HHCGP) is intended to provide financial assistance in the form of matching grants between \$1,000 to \$5,000 for the conservation and restoration of cultural heritage resources. The objective of the Hamilton Heritage Conservation Grant Program is to assist in the on-going conservation of heritage properties designated under the *Ontario Heritage Act* that are not eligible for the Hamilton Heritage Property Grant Program (HHPGP).

### 2.0 Terms of the Program

#### 2.1 Grant Information

1. The grant is contingent on properties being designated under Parts IV or V of the *Ontario Heritage Act*.
2. An application fee of \$75 is to accompany the application. The rate of the fee may be changed from time to time as approved by City Council.
3. The grant is conditional upon a Heritage Permit; or easement approval; or other City approval, being issued for the heritage component.
4. The grant is conditional upon all required planning and building code approvals.
5. Improvements commenced prior to submitting an application are ineligible. Improvements commenced after submitting an application, but prior to application approval, are undertaken at the applicant's risk, as funding may be refused.
6. The Urban Renewal Section, in consultation with Planning staff, reserves the right to recommend works that are integral to the preservation of the building required to preserve/conservate the heritage features.
7. The grant amount will total a minimum of \$1,000 to a maximum \$5,000 per municipal address, identifying multiple and separate units and entranceways per year, subject to available funding. The awarded grant amount will total one half the lesser of either the actual eligible project cost (cost as outlined in the final invoices for the completed project) or the estimated eligible project cost (estimated cost as identified on the Hamilton Heritage Conservation Grant Program application form).
8. Work completed must comply with estimates, and work proposed and identified within the application unless previously approved by the Urban Renewal Section. City staff will visit the site to ensure that the work has been completed in conformity with the conditions of the grant approval.

9. At the sole discretion of the Manager of Urban Renewal, partial payments for works completed can be processed consistent with the payment process described above.
10. At the sole discretion of the Manager of Urban Renewal, the grant cheque can be made jointly payable to the applicant and the contractor if such a request has been received from the applicant.
11. The grant is not transferable upon sale of the property.
12. Properties eligible for the Hamilton Heritage Property Grant Program are not eligible for this grant program.
13. The grant may be received by an owner in conjunction with approval of a loan under the Hamilton Community Heritage Fund Loan Program, provided that funding under these programs will not fund the same work.
14. Approval of the grant application is at the absolute discretion of the City and subject to the availability of funds.
15. Without limiting the discretion as set out in paragraph 14 herein, the City Council, whether or not an Applicant satisfies the requirements of the Program, may reject any application received from an applicant where, in the opinion of Council, the commercial relationship between the City and the Applicant has been impaired by, but not limited to, the applicant being involved in litigation with the City. Applicants are individuals, corporate entities and individuals behind the corporation (Officers/Directors/Shareholders).
16. A successful applicant will enter into an agreement with the City containing, but not limited to, the terms and conditions set out in the program description.

## 2.2 Submission Requirements

Prospective applicants must consult with Planning staff as early as possible in the process of planning a project. This pre-consultation is required to determine eligibility, avoid delays in the processing of an application, and determine if a Heritage Permit is required.

Prospective applicants should also discuss their proposal with representatives from Building Services and the Planning Division to determine if there are regulations that require additional permits or approvals.

Prospective applicants shall then submit a Hamilton Heritage Conservation Grant Program application form, as well as other required information. The types of information required with each grant submission include, but are not limited to:

- A Heritage Permit application form and/or a Heritage Permit approval letter;

- Photographs of the project site and of the features showing what and where the work will take place;
- Copies of any relevant historical documentation, including historical photographs or illustrations;
- Drawings, specifications or descriptions (as necessary) that adequately illustrate the scope, type of work and location as proposed. Depending on the scope of the work, drawings prepared by the property owner may be acceptable. However, should an architect or consultant be retained, detailed drawings are requested;
- A brief summary of the overall project budget, with eligible conservation work clearly itemized;
- At least two (2) competitive cost estimates for all labour and materials involved in the proposed work unless there is only one local specialized supplier of a particular product, trade or service. Although it is not mandatory, applicants are encouraged to select suppliers, contractors and/or trades people with demonstrated experience with heritage properties. Please note a contractor licensed with the City of Hamilton may be required to undertake the works; and,
- A statement detailing other grants or funding sought for the proposed work, where applicable.

### 2.3 Frequency of Grant

Funding for eligible applications will be awarded on a first-come-first-served basis. A property owner may receive one grant per municipal address per calendar year. Applications will either be conditionally approved or refused.

### 2.4 Completion of Work

Work must be completed within **one** year of receiving a conditionally approved grant. Invoices for costs of the completed project shall be submitted to Urban Renewal staff to verify the eligible amount of the grant. Invoices must be submitted within one year of receipt of the conditionally approved grant, unless the deadline is extended by Urban Renewal staff. An applicant with a conditionally approved grant who is deemed to have failed to comply with the terms of the Hamilton Heritage Conservation Grant Program shall not be awarded that grant and is prohibited from making a grant application for the same work in the following calendar year.

NOTE: Work that was approved, but done in a poor or defective manner or in a manner contrary to the conditions of the grant approval or the Heritage Permit (if required), will not be funded.

### 3.0 Eligibility

#### 3.1 Eligibility Requirements

- The eligible property must not be in arrears or default of any municipal taxes.
- The eligible property must not be the subject to any outstanding Fire Code, Building Code or Property Standards orders. Any outstanding violations on the property for which the grant is sought must be addressed prior to any grant monies being advanced.
- The existing use of the eligible property must be in compliance with applicable Zoning By-law regulations and other relevant planning regulations.
- Owners and tenants of eligible properties may apply for assistance. Tenants are required to provide documentation of the property owner’s consent to the improvements with their application.
- Eligible properties owned by any level of government are not eligible for the Program, except in the following cases:
  - a) where the property is under long-term lease to an individual and the tenant or lessee is the applicant; or,
  - b) where a non-profit community group has assumed, by long-term lease or legal agreement, responsibility for the building and the non-profit community group is the applicant.

#### 3.2 Eligible Conservation Work

Eligible conservation work includes any work that conserves, restores and/or enhances elements identified and described in the relevant heritage designation By-law, Heritage Conservation District Plan and/or Heritage Easement Agreement.

All work must be executed in such a manner as to not detract from or diminish the cultural heritage value of the property or Heritage Conservation District.

All work should conform to relevant municipal heritage policy, such as Heritage Conservation District Plan guidelines, as well as best practices for heritage conservation, including [\*Eight Guiding Principles in the Conservation of Built Heritage Properties\*](#) (Ministry of Culture, 2007) and the [\*Standards and Guidelines for the Conservation of Historic Places in Canada\*](#) (Parks Canada, Second Edition, 2010).

The types of eligible conservation work include, but are not limited to:

- The **conservation** of significant architectural features. This may include the conservation or restoration of: doors, windows, verandahs, cupolas, chimneys, bargeboard or other decorative trim, parapets, cornices, hood mouldings and any other features important to the overall composition of the structure as specified in the *Reasons for Designation*, the

*Statement of Cultural Heritage Value of Interest* or, a description of the *Heritage Attributes* accompanying the designating by-law under the *Ontario Heritage Act*.

- The **reconstruction** of former and significant architectural features for which the appearance can be clearly determined from documentary sources (photographs, drawings, etc.).
- The **conservation** or renewal of original siding and roofing materials including repair and replacement, where necessary, of wood clapboard or board-and-batten, repair and repointing of masonry buildings, stucco repair, repair or replacement of original roofing materials (slate, wood shingles, tile, etc.). Eligible work also includes removal of a modern material (synthetic siding, asphalt shingles, etc.) and replacement with documented original materials.
- Cleaning of masonry buildings may be eligible if it is necessary for the building's conservation. **Under no circumstances will grants be paid for any form of abrasive cleaning, (e.g., sandblasting or sodablasting) or high-pressure water cleaning. Planning staff approval is required as to cleaning method to be employed before work is undertaken.**
- Exterior painting in documented original colours. Colours must be documented for the individual building or be proved to have been a common contemporary colour in the area. **Painting of unpainted masonry is not eligible.**

### 3.3 Ineligible Work

Ineligible work includes any work or projects of a non-heritage nature, works that focus on non-heritage attributes, new additions, spaces, features and finishes, new construction, or any works that may diminish the cultural heritage value of the property.

Repair, maintenance, reconstruction or improvements to the following are ineligible for grant assistance, unless specifically identified and described in the *Reasons for Designation*, the *Statement of Cultural Heritage Value of Interest* or, a description of the *Heritage Attributes*:

- Repair of non-original siding or roofing materials (aluminum siding, asphalt shingles, etc.).
- Landscaping.
- Work on modern additions.
- Work on sheds or outbuildings.
- Installation of modern doors and windows, unless replicas of the original.
- Installation of new storm or screen doors and windows.

- Chimney repairs other than restoration of a significant chimney.
- Repair of eavestrough unless its nature is such that it is significant to the heritage of the structure.
- Repairs to or renewal of modern materials.
- Painting previously unpainted masonry.
- Interior Work.
- Abrasive cleaning (e.g. sandblasting or sodablasting) or high-pressure water cleaning.

**The final determination of what constitutes eligible and ineligible work is at the discretion of Planning staff.**

#### **3.4 Eligible Costs**

Eligible costs shall be the costs of materials, equipment and contracted labour to complete eligible conservation, restoration or preservation work, documented by invoices to the satisfaction of Planning and Urban Renewal staff. Labour provided by the applicant or tenant of the property will not be an eligible cost.

The grant is paid, subject to compliance with these terms and conditions of the Program, upon completion of the conditionally approved work.



## **GENERAL ISSUES COMMITTEE**

### **REPORT 14-008**

**9:30 a.m.**

**Wednesday, April 2, 2014**

**Council Chambers**

**Hamilton City Hall**

**71 Main Street West**

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

**Absent with Regrets:** Councillors B. Johnson, R. Powers – City Business

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### **THE GENERAL ISSUES COMMITTEE PRESENTS REPORT 14-008 AND RESPECTFULLY RECOMMENDS:**

- 1. Hamilton Tax Increment Grant Program (HTIGP) - 22 Jones Street, Stoney Creek (PED14052) (Ward 9) (Item 5.2)**
  - (a) That a Hamilton Tax Increment Grant Program (HTIGP) application submitted by Anka and Aco Popovic, owners of the property at 22 Jones Street, Stoney Creek, for an HTIGP grant estimated at \$1,927.65 over a maximum of a five year period and based upon the incremental tax increase attributable to the redevelopment of 22 Jones 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 PED14052, in a form satisfactory to the City Solicitor.
- 2. Status of the Hamilton Downtown Multi-Residential Property Investment Program and Other Urban Renewal Initiatives (PED14043) (Wards 1, 2, 3, 4, 6, 7, 8, 9, 11, 12, 13 and 15) (Item 5.3)**

That Report PED14043 respecting Status of the Hamilton Downtown Multi-Residential Property Investment Program and Other Urban Renewal Initiatives be received.

**Council – April 9, 2014**

**3. Formal Marina Management Agreement (MMA) with the Hamilton Port Authority (HPA) regarding Piers 7 and 8 (CM12015(b)) (Ward 2) (Item 7.1)**

- (a) That the City of Hamilton enter into a 25-year Marina Management Agreement with the Hamilton Port Authority (HPA) for the management, operation and maintenance of the City-owned marina facility, located within the Main Basin of Piers 7 and 8, as described in Report CM12015(b);
- (b) That the Mayor and the City Clerk be authorized and directed to execute the Marina Management Agreement between the City of Hamilton and the Hamilton Port Authority, together with all necessary associated documents, in a form satisfactory to the City Solicitor and with content acceptable to the City Manager;
- (c) That the forecast capital funding in the amounts of \$3,000,000 (2015) and \$4,400,000 (2016) for the proposed marina (dock, dock finger, boat slip replacement etc.) and associated servicing and shoreline rehabilitation requirements, to be completed by the City of Hamilton, pursuant to the "Marina Management Agreement", be approved in-principle;
- (d) That staff be authorized and directed to communicate and submit the City's comprehensive "West Harbour" development plan to provincial and federal governments and their respective funding agencies, as a priority investment project(s) for the City of Hamilton.

**4. 2555 Creekside Drive Park Development – Rotary Club of Dundas Lease for the Purposes of Permitting Construction by the Rotary Club of Dundas (PW14036) (Ward 13) (Item 8.1)**

- (a) That the Rotary Club of Dundas proposal to contribute all necessary funds to complete the design and construction of the park at 2555 Creekside Drive (attached as Appendix "A" to Report PW14036) by entering into a lease with the City of Hamilton for the purpose of construction be endorsed;
- (b) That the City of Hamilton enter into a lease for the purpose of permitting the Rotary Club of Dundas, who will be working with the condominium corporations at Creekside Drive and Amica Mature Lifestyles Inc., to construct and develop the Park in accordance with City standards and practices;
- (c) That the associated annual operating costs starting in 2015 for the park at 2555 Creekside Drive, in the amount of \$10,000 (increased from \$6,000 as identified in the 2014 capital budget), and an additional 0.1 FTE, be referred to the 2015 Operating Budget process for consideration;

- (d) That the Mayor and City Clerk be authorized and directed to execute the construction lease in a form satisfactory to the City Solicitor and with content acceptable to the General Manager of Public Works.

**5. Citizen Engagement – Two-Way/Complete Streets Conversion  
(PW13097(a)) (City Wide) (Item 8.2)**

That the General Manager of Public Works be authorized and directed to include a Citizen Engagement Process, in the proposed Updated Transportation Master Plan, to be funded from project ID 4031255222 at an estimated cost of \$95,000, as described in Report PW13097(a).

**6. Report 14-001 of the Greater Bay Area Sub-Committee - March 3, 2014  
(Item 8.3)**

**Lift Bridge Future Disposition**

- (a) That the City Managers of Hamilton and Burlington be directed to prepare a response to the letter from Dianne Finley, PC, MP. Minister of Public Works and Government Services (attached as Appendix “A” to Report 14-001) respecting the Lift Bridge: Future Disposition;
- (b) That the Mayors of Hamilton and Burlington be directed to meet with David Sweet, MPP, and Mike Wallace, MP, to discuss the matter of the lift bridge, re-affirm the importance of a lakeside crossing, maintaining services at the Canadian Centre for Inland Waters and other federal issues as they may relate.

**7. Report 14-002 of the Steel Committee – March 7, 2014 (Item 8.4)**

**(a) Economic Impact Analysis**

That the City Solicitor be directed to re-issue the correspondence sent to MPs and MPPs (attached as Appendix Items “A” and “B” to Steel Committee Report 14-002) to the appropriate Federal and Provincial Cabinet Ministers and to ensure that all Hamilton area MPs, MPPs and City Councillors are copied on the letter.

- (b) Correspondence from Trevor Harris, Director, Government and Public Affairs, U.S. Steel Canada, respecting an Invitation to Attend the March 7, 2014 meeting of the Steel Committee**

That the Mayor and the Chair of the Steel Committee be directed to correspond with representatives of U.S. Steel to request a meeting to discuss the impact which the U.S. Steel announcement has had on Hamilton.

**8. Report 14-001 of the Advisory Committee for Persons with Disabilities – March 11, 2014 (Item 8.5)**

- (a) Parking Permits for Home Caregivers**

That staff, in consultation with the ACPD Committee, review the Home Services Parking Permit process and look at alternative systems and report back to the Advisory Committee for Persons with Disabilities.

- (b) Transportation Sub-Committee Notes – February 25<sup>th</sup>, 2014**

- (i) That the Public Works Department prepare a formal response to the questions and concerns raised by the Transportation Sub-Committee at their February 25<sup>th</sup>, 2014 meeting regarding the HSR; and that this response be received in advance of the next meeting of the ACPD Committee on April 11<sup>th</sup>, 2014;
- (ii) That the Public Works Department develop a plan of action to deal with the issues raised by the Transportation Sub-Committee about the HSR and indicate how concerns will be addressed.

**9. Rail-Cargo Safety – Real Time Information (Item 9.1)**

- (a) That the City of Hamilton request Transport Canada to explore the feasibility of having rail companies provide real-time information to municipal first responder personnel;
- (b) That should impediments exist to preclude rail companies from providing such information, that Transport Canada require rail companies to implement notification procedures at the immediate outset of an emergency which requires them to provide the local first responders with a detailed manifest of the dangerous goods and their exact location relative to the composition of the involved train.

**10. Landscape Management Plan for Hamilton's Beach Community (Item 9.2)**

- (a) That staff be directed to develop a Terms of Reference and associated budget to support a Landscape Management Plan for Hamilton's Beach Community;
- (b) That the Plan be developed in anticipation of future Hydro One maintenance activities along the Waterfront Trail and Hydro Corridor.

**11. Ward 2 Area Rating Funded Projects (Ward 2) (Item 9.3)**

- (a) That funding in the amount of \$2,000 for "No Smoking" signs in all Ward 2 parks be funded from the Ward 2 Area Rating Special Capital Reinvestment Reserve No. 108052;
- (b) That startup funding for a Chinese Cultural Garden in the amount of \$10,000 be funded from the Ward 2 Area Rating Special Capital Reinvestment Reserve No. 108052;
- (c) That \$10,000 for banner/lamp post/hanging basket installation (other showcasing/beautifying) of James Street South from Hunter Street West to Charlton Avenue be funded from the Ward 2 Area Rating Special Capital Reinvestment Reserve No. 108052;
  - (i) That subject to approval of recommendation (c), the operating impacts relating to the beautification of James St South amounting to \$1,170 annually when fully implemented be approved and incorporated into future Tax-supported operating Budgets;
- (d) That funding in the amount of \$15,000 for a community-run outdoor bake oven in Beasley Park (near the old community centre) be funded from the Ward 2 Area Rating Special Capital Reinvestment Reserve No. 108052;
- (e) That funding in the amount of \$18,000 for Three Community Gardens: Bayfront Park Community Garden, Shamrock Park North, and St. Mark's Church, be funded from the Ward 2 Area Rating Special Capital Reinvestment Reserve No. 108052
- (f) That funding in the amount of \$20,000 for installation of ten poster kiosks (message boards), community parking & poster board pads at locations such as Beasley, Corktown Park, community parks, civic squares, etc. be funded from the Ward 2 Area Rating Special Capital Reinvestment Reserve No. 108052;

- (g) That funding in the amount of a \$20,000 grant for a Multicultural Festival for Bay Front Park to fund equipment tents, tables, chairs, water and power, be funded from the Ward 2 Area Rating Special Capital Reinvestment Reserve No. 108052;
- (h) That funding in the amount of \$22,600 for Old Beasley Community Centre kitchen renovation be funded from the Ward 2 Area Rating Special Capital Reinvestment Reserve No. 108052;
- (i) That funding in the amount of \$39,000 towards Neighbourhood Outreach for three outreach workers be funded from the Ward 2 Area Rating Special Capital Reinvestment Reserve No. 108052;
- (j) That funding in the amount of \$40,000 for Ward 2 Food4Kids Weekend Backpack Program be funded from the Ward 2 Area Rating Special Capital Reinvestment Reserve No. 108052;
- (k) That funding in the amount of \$8,800 for 2 Solar Trash/Recycle/Composting units to be distributed to parks in Ward 2 be funded from the Ward 2 Area Rating Special Capital Reinvestment Reserve No. 108052;
- (l) That funding in the amount of \$50,000 for “Investing in Adolescent Youth Development” be funded from the Ward 2 Area Rating Special Capital Reinvestment Reserve No. 108052;
- (m) That funding in the amount of \$50,000 for public seating (the building of artistically designed benches; installation of standard bench seating, incorporating of bike racks at either end) be funded from the Ward 2 Area Rating Special Capital Reinvestment Reserve No. 108052;
- (n) That funding in the amount of \$80,000 for infrastructure upgrades to Beasley Skateboard Park be funded from the Ward 2 Area Rating Special Capital Reinvestment Reserve No. 108052;
- (o) That funding in the amount of \$112,000 for a Multicultural Community Centre be funded from the Ward 2 Area Rating Special Capital Reinvestment Reserve No. 108052;
- (p) That funding in the amount of \$125,000 for a pedestrian crosswalk on MacNab Street South at Hunter Street be funded from the Ward 2 Area Rating Special Capital Reinvestment Reserve No. 108052;
- (i) That subject to approval of recommendation (p), the pedestrian crosswalk on McNab Street South and Hunter Street,

- (aa) That \$6,000 annual cost to operate and maintain the traffic signals be added to Traffic Operations current operating budget dept ID 466045, to ensure that the electricity to operate the signal, and the maintenance and legislated inspections at the new traffic signal; and
- (bb) That 0.1 FTEs be identified for the design and implementation and ongoing engineering and operation of this signal.
- (q) That funding in the amount of \$230,000 for a pilot project for a network of "Urban Trail" alley beautification (Beasley & Corktown Alleyways) be funded from the Ward 2 Area Rating Special Capital Reinvestment Reserve No. 108052;
- (r) That funding in the amount of a \$2,000 grant for a Herbal Labyrinth in Shamrock Park North be funded from the Ward 2 Area Rating Special Capital Reinvestment Reserve No. 108052;
- (s) That funding in the amount of \$20,000 for downtown bike racks be funded from the Ward 2 Area Rating Special Capital Reinvestment Reserve No. 108052;
- (t) That funding in the amount of \$50,000 for various activities and equipment relating to the "2015 Participatory Budgeting Implementation" be funded from the Ward 2 Area Rating Special Capital Reinvestment Reserve No. 108052;
- (u) That the General Manager of Public Works be authorized to prepare, advertise and award tenders as required for the above-noted works.

**FOR THE INFORMATION OF COUNCIL:**

**(a) CHANGES TO THE AGENDA (Item 1)**

The Committee Clerk advised of the following changes:

**DELEGATION REQUEST**

4.2 Delegation Request from David Broom respecting the Lobbyist Registry

**ADDED CONSENT**

- 5.4 Municipal Liability Reform Proposal (LS14016) (City Wide) (Referred from Council on March 26, 2014)

**NOTICE OF MOTION**

- 10.1 2014 Council-Requested Enhancement – Lobbyist Registry

**PRIVATE & CONFIDENTIAL**

- 12.3 Potential Acquisition of Property in Ward 1 (No Copy)  
*Pursuant to sub-section 8.1(c) of the City's Procedural By-law and Section 239.2 of the Ontario Municipal Act, 2001, as amended, as the subject matter pertains to a proposed or pending acquisition or disposition of land by the municipality or local board.*

The agenda was approved as amended.

**(b) DECLARATIONS OF INTEREST (Item 2)**

None

**(c) APPROVAL OF PREVIOUS MINUTES (Item 3.1)**

The Minutes of the March 19, 2014 meeting of the General Issues Committee be approved as presented.

**(d) DELEGATION REQUESTS**

- (i) Request from Anand Sinha and Matt Grande respecting HSR Real-time Open Data Project and to Offer Open Hamilton Support (Item 4.1)**

The delegation request from Anand Sinha and Matt Grande to speak to HSR Real-time Open Data Project and to offer Open Hamilton support for implementation, was approved and the rules of order were waived in order to allow Messrs. Sinha and Grande to address the Committee at today's meeting.

- (ii) Request from David Broom respecting the Lobbyist Registry (Item 4.2)**

The delegation request from David Broom respecting the Lobbyist Registry was approved, and the rules of order were waived in order to allow Mr. Broom to address the Committee at today's meeting.

**(e) CONSENT ITEMS**

**(i) Various Advisory and Sub-Committee Minutes: (Item 5.1)**

The following Advisory and Sub-Committee Minutes were received:

- (a) Arts Advisory Commission - November 27, 2012
- (b) Arts Advisory Commission - January 22, 2013
- (c) Arts Advisory Commission – April 23, 2013
- (d) Arts Advisory Commission – May 28, 2013
- (e) Arts Advisory Commission – July 24, 2013
- (f) Arts Advisory Commission – September 24, 2013
- (g) Arts Advisory Commission – October 22, 2013
- (h) Arts Advisory Commission – November 26, 2013
- (i) Arts Advisory Commission – January 28, 2014
- (j) Business Improvement Area Advisory Committee – January 14, 2014

**(f) DELEGATIONS/PUBLIC HEARINGS**

**(i) Anand Sinha and Matt Grande to speak to HSR Real-time Open Data Project and to Offer Open Hamilton Support for Implementation (Item 4.1/6.1)**

Anand Sinha and Matt Grande appeared before the Committee representing Open Hamilton, a group of software developers and citizens of Hamilton working on City open data initiatives. Mr. Sinha and Mr. Grande volunteered to assist the City by testing the real time google transit feed in advance of the go-live date. City staff look forward to their assistance toward the success of this initiative.

Mr. Sinha also advised that Open Hamilton is prepared to provide \$2,000 toward an Application Development Day to help promote this event.

That the presentation from Anand Sinha and Matt Grande respecting the HSR Real-time Open Data Project was received.

**(ii) David Broom respecting the Lobbyist Registry (Item 4.2/6.2)**

David Broom, Resident of Ward 11 and member of the former Accountability and Transparency Sub-Committee, appeared before the Committee to speak to the proposed Lobbyist Registry, and the manner in which the issue was dealt with during the 2014 budget deliberations. Mr. Broom acknowledged the attendance of Joanna Chapman, also a former member of the Accountability and Transparency Sub-Committee.

Mr. Broom proposed that there be a 30-day consultation period to obtain feedback from the public, and that this matter be moved forward as expeditiously as possible.

A copy of Mr. Broom's comments was submitted to the Clerk for the public record.

The presentation from David Broom respecting the Lobbyist Registry was received.

## **NOTICE OF MOTION**

Councillor B. McHattie introduced the following Notice of Motion:

### **(i) Council Referred Item - Lobbyist Registry (City Wide)**

- (a) That the proposed draft by-law, being a by-law To Establish and Maintain a Lobbyist Registry, attached hereto as Appendix "A", be passed and that the by-law be effective as of March 31<sup>st</sup>, 2015 and reviewed in two years' time;
- (b) That one (1) FTE (Policy Analyst) at an estimated cost of \$92,000 annually, be approved;
- (c) That the Lobbyist Registrar position be combined with the City's Integrity Commissioner position, at an estimated cost of \$22,000 annually;
- (d) That a one-time cost of up to \$100,000 for the development of a web-based registry be approved and funded through the Unallocated Capital Levy 108020.

The rules of order were waived in order to allow for the introduction of a Motion respecting "Council-Referred Item – Lobbyist Registry (City Wide)".

## **MOTION**

### **(i) Council-Referred Item – Lobbyist Registry (Added Item 9.4)**

- (a) That the proposed draft by-law, being a by-law To Establish and Maintain a Lobbyist Registry, attached hereto as Appendix "A", be passed and that the by-law be effective as of March 31<sup>st</sup>, 2015 and reviewed in two years' time;
- (b) That one (1) FTE (Policy Analyst) at an estimated cost of \$92,000 annually, be approved;

- (c) That the Lobbyist Registrar position be combined with the City's Integrity Commissioner position, at an estimated cost of \$22,000 annually;
- (d) That a one-time cost of up to \$100,000 for the development of a web-based registry be approved and funded through the Unallocated Capital Levy 108020.

The following Motion was put forward, moved by Councillor McHattie and seconded by Councillor Partridge:

- (a) That sub-section (a) respecting the proposed draft by-law "To Establish and Maintain a Lobbyist Registry" be deferred pending a 45-day written consultation period, with a report presented to a special meeting of the General Issues Committee with the results of the public consultation by no later than June, 2014;
- (b) That sub-sections (b), (c) and (d) be tabled until such time as the report referred to in sub-section (a) is brought back to the special meeting of the General Issues Committee in June, 2014 for consideration, together with the draft By-law.

The above Motion to defer and table **CARRIED** on the following Standing Recorded Vote:

Yeas: Pasuta, Clark, Ferguson, Partridge, Whitehead, Duvall,  
Jackson, Merulla, Morrow, Farr, McHattie  
Total Yeas: 11  
Nays: 0  
Absent: Bratina, Pearson, Powers, Johnson, Collins  
Total Absent: 5

**(ii) Request for Presentation on Lobbyist Registry from Provincial Lobbyist Registry Office (New Business)**

Staff was requested to invite representatives of the Provincial government Lobbyist Registry Office and the City of Toronto and/or Ottawa to the General Issues Committee special meeting that corresponds with the Lobbyist Registry consultation in June to present on the function of their Lobbyist Registry.

The motion **CARRIED** on the following Recorded Vote:

Yeas: Pasuta, Partridge, Whitehead, Duvall, Jackson, Collins,  
Merulla, Morrow, Farr, McHattie  
Total Yeas: 10  
Nays: Clark  
Total Nays: 1  
Absent: Bratina, Pearson, Ferguson, Powers, Johnson  
Total Absent: 5

**(g) PRESENTATIONS**

**(i) Formal Marina Management Agreement (MMA) with the Hamilton Port Authority (HPA regarding Piers 7 and 8 (ICM12015(b)) (Ward 2) (Outstanding Business List Item)**

Chris Phillips acknowledged and thanked the members of staff who worked on this file, and specifically the negotiation team, and an entire supporting staff, including administrative staff and the City Manager and the Senior Management Team. Also, representatives from the Hamilton Port Authority were also thanked and acknowledged for their contribution to this file.

With the assistance of a PowerPoint presentation, Mr. Phillips spoke to the following with respect to the Formal Management Agreement for Piers 7 and 8:

- ✓ Waterfront Initiatives
- ✓ “Memorandum of Understanding”
- ✓ Timelines
- ✓ Hamilton’s “West Harbour” Waterfront – The Vision and the Plan for the future is set....
- ✓ Successes over time
- ✓ Marina Management Agreement (MMA) – The Outcomes; an Overview
- ✓ City of Hamilton Capital Cost Commitments
- ✓ HPA Maintenance and Capital Cost Commitments
- ✓ Other financial Implications of the MMA
- ✓ Key Elements – “Marina Management Agreement”
- ✓ Are there Alternatives? Is there a Plan B?
- ✓ Review of Recommendations

The Committee was shown a “Prezi” video about the future plans for the development of the Waterfront which will be used as a promotional tool, and was distributed with a brochure entitled, “Hamilton West Harbour – A Prime Waterfront – Investment Opportunity”.

Copies of the PowerPoint presentation and brochure were distributed to the Committee and is available for viewing on the City’s website.

The presentation respecting Formal Marina Management Agreement (MMA) with the Hamilton Port Authority (HPA) regarding Piers 7 and 8 was received.

**(h) DISCUSSION ITEMS**

**(i) Citizen Engagement – Two-Way/Complete Streets Conversion (PW13097(a)) (City Wide) (Item 8.2)**

The Motion **CARRIED** on the following Standing Recorded Vote:

Yeas: McHattie, Farr, Morrow, Merulla, Duvall, Ferguson, Whitehead  
Total Yeas: 7  
Nays: Pasuta, Clark, Pearson, Collins, Jackson  
Total Nays: 5  
Absent: Bratina, Johnson, Powers, Partridge  
Total Absent: 4

**(i) MOTIONS**

**(i) Rail-Cargo Safety – Real Time Information (Item 9.1)**

The following is the preamble to the Motion introduced by Councillor S. Merulla.

Whereas, there is a heightened sense of concern regarding the transportation of dangerous goods via rail cargo through cities; and,

Whereas, the federal government has already instructed rail companies to share historical data with cities in order to improve public safety and assist first responders; and,

Whereas there is a legitimate public safety interest in having immediate and real time data;

See Item 9 for the disposition of this item.

**(ii) Landscape Management Plan for Hamilton's Beach Community (Item 9.2)**

See Item 10 for the disposition of this item.

**(iii) Ward 2 Area Rating Funded Projects (Ward 2) (Item 9.3)**

See Item 11 for the disposition of this item.

**(j) NOTICES OF MOTION**

Councillor R. Morrow put forward the following Notice of Motion:

**(i) Review of Arts Funding**

That funding of the Arts by the City of Hamilton be reassessed with a view to increasing the level of funding, and that a report be brought back by the appropriate Standing Committee(s) and staff.

Councillor J. Farr introduced the following Notice of Motion:

**(ii) Previously-Identified One-way to Two-Way Street Conversions**

That staff be requested to identify and examine the “low-hanging fruit” as it relates to previously-identified Transportation Master Plan-approved streets for conversion of one-way to two-way, identifying conversion priorities, benefits, impacts and costs, and report back to the General Issues Committee.

**(k) OTHER BUSINESS/GENERAL INFORMATION**

**(i) Outstanding Business List Items**

**(aa) Revised Due Dates**

The due dates for the following items on the Outstanding Business List were amended accordingly, as follows:

- (a) Item R: Citizen’s Committee Report on Farmers’ Market White Paper  
Due Date: April 26, 2014  
Revised Due Date: May 7, 2014
- (b) Item T2: Hamilton Port Authority Land Lease – Parking  
Due Date: April 2, 2014  
Revised Due Date: May 21, 2014
- (c) Item BB: Entrance and/or Gateway Signage  
Due Date: April 16, 2014  
Revised Due Date: May 7, 2014
- (d) Item OO: Hamilton Music Festival  
Due Date: April 16, 2014  
Revised Due Date: May 7, 2014

- (e) Item SS: Public Art Piece Honouring L. M. Alexander  
Due Date: April 16, 2014  
Revised Due Date: May 7, 2014

**(bb) Items to be removed from the Outstanding Business List:**

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

- (f) Item T1: Memorandum of Understanding with the Hamilton Port Authority (Item 7.1)
- (g) Item LL: Two-Way Street Conversions (Item 8.2)
- (h) 2013 Budget Deliberations Outstanding Business List Item B: Customer Service, Access and Equity – Language Line Enhancement Pilot (GIC – February 13, 2014)

**(I) PRIVATE & CONFIDENTIAL**

**(i) Closed Session Minutes – March 6, 2014 (Item 12.1)**

The closed session Minutes from the March 6, 2014 meeting of the General Issues Committee were approved as presented, and will remain confidential and restricted from public disclosure.

The Committee moved into Closed Session at 12:33 p.m. pursuant to Subsections 8.1(c), (e) and (f) of the City's Procedural By-law and Section 239(2) of the Ontario Municipal Act, 2001, as the subject matters pertained to:

- (c) a proposed or pending acquisition or disposition of land by the municipality or local board respecting potential acquisition of property in Ward 1 (Item 12.3); and,
- (e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; and
- (f) the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose, respecting City v. Attorney General of Canada, Superior Court Action C383-04.

The Committee reconvened in Open Session.

**(ii) City v. Attorney General of Canada, Superior Court Action C383-04 (Item 12.2)**

No action to be reported.

**(iii) Potential Acquisition of Property in Ward 3 (Item 12.3)**

Staff direction provided in closed session.

**(m) PROCEDURAL MATTERS**

**(i) Council-Referred Item – Lobbyist Registry**

The Notice of Motion respecting Council-Referred Item – Lobbyist Registry, was moved up on the agenda for discussion following the presentation by Mr. David Broom.

**(n) ADJOURNMENT**

There being no further business, the Committee adjourned at 6:13 p.m.

Respectfully submitted

Councillor R. Pasuta  
Deputy Mayor

Carolyn Biggs  
Legislative Co-ordinator  
Office of the City Clerk



## **PUBLIC WORKS COMMITTEE**

### **REPORT 14-004**

**9:30 a.m.**

**Monday, April 7, 2014**

**Council Chambers**

**Hamilton City Hall**

**71 Main Street West**

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**Present:** Councillor S. Merulla (Vice Chair)  
Councillors C. Collins, L. Ferguson T. Jackson, B. McHattie,  
R. Pasuta, R. Powers

**Regrets:** Councillor T. Whitehead (Chair) - Illness  
Councillor S. Duvall - Bereavement

**Also Present:** Councillor R. Morrow

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### **THE PUBLIC WORKS COMMITTEE PRESENTS REPORT 14-002 AND RESPECTFULLY RECOMMENDS:**

#### **1. Intersection Control List (PW14001) (Wards 2, 3, 6, 7, 11 and 12) (Item 5.1)**

That the appropriate By-law be presented to Council to provide traffic control as follows:

Intersection			Stop Direction		Class	Location / Comments / Petition	Ward
Street 1	Street 2	Existing	Requested				
Section "A" Ancaster							
(a)	Hatton Dr.	Calvin St.	NB-Stop	NB-Yield	A	E. of Fiddlers Green, N. of Hwy 403	12
Section "E" Hamilton							
(b)	Augusta St.	Hughson St.	NB/SB	EB/WB	A	E. of James St., S. of Main St.	2
(c)	Brenda St.	Halo St.	NC	WB	A	E. of Up. Sherman Ave., N. of Rymal Rd.	7
(d)	Burbridge Way	Moorland Cres.	NC	EB	B	E. of Southcote Rd., N. of Garner Rd.	12
(e)	Castlefield Dr.	Fernwood Cres.	NC	WB	A	S. of Fennell Ave., W. of Up. Ottawa St.	6
(f)	Chamomile Dr.	Dulgaren St.	NC	NB	B	E. of Up. Sherman Ave., N. of Rymal Rd.	7
(g)	Eaglewood Dr.	Dulgaren St.	NC	SB	B	E. of Up. Sherman Ave., N. of Rymal Rd.	7
(h)	Greenwood St.	Fernwood Cres.	NC	NB	A	S. of Fennell Ave., W. of Up. Ottawa St.	6
(i)	Greenwood St.	Castlefield Dr.	NC	SB	A	S. of Fennell Ave., W. of Up. Ottawa St.	6

Intersection		Stop Direction		Class	Location / Comments / Petition	Ward
Street 1	Street 2	Existing	Requested			
(j) Keen Crt.	Organ Cres.	NC	WB	A	S. of Fennell Ave., W. of Up. Kenilworth Ave.	6
(k) King William	Tisdale St.	NB/SB	EB/WB	B	N. of King St., E. of Victoria Ave.	3
(l) Maplewood ve.	Blake St.	NB/SB	EB/WB	B	E. of Sherman Ave., S. of Main St.	3
(m) Percy Crt.	Hardale Cres.	NC	EB	A	S. of Fennell Ave., W. of Up. Kenilworth Ave.	6
(n) Thelma Ave.	Fernwood Cres.	NC	EB	A	S. of Fennell Ave., W. of Up. Ottawa St.	6
Section "G" Former Regional Roads						
(o) Nebo Rd.	Dickenson Rd.	EB/WB	NB/SB	C	S. of Rymal Rd., W. of Glover Rd.	11

**2. Terms of Reference for Hamilton Water Public Works Sub-Committee (PW07007(b)) (Item 5.2)**

- (a) That the "Woodward Avenue Wastewater Treatment Plant Phases 3 and 4 Class EA Sub-Committee" be renamed to the "Hamilton Water Sub-Committee";
- (b) That the Terms of Reference attached as Appendix "A" to PW Report 14-004 be approved.

**3. Public Works Asset Management Plan - Provincial Requirement (PW14035) (City Wide) (Item 7.2)**

- (a) That the Public Works Asset Management Plan (AMP), attached as Appendix "A" to Report PW14035, be adopted in principle as required by the Province for the application of future infrastructure grants;
- (b) That the Public Works Department continue to develop and refine a level of service framework, as outlined within Report PW14035, to establish a clear relationship between infrastructure investment and service outcomes;
- (c) That the Public Works Department continue to develop Asset Management plans for all other categories of Public Works infrastructure;
- (d) That the Public Works Asset Management Plan, attached as Appendix "A" to Report PW14035, be posted in a designated area on the City's website, as required under the Provincial guide.

**4. Stewards of Cootes Watershed (Item 6.2)**

- (a) That staff examine the approach used by the Stewards of Cootes Watershed and investigate its applicability across the City of Hamilton
- (b) That staff consult with Councillor McHattie and representatives from the Stewards of Cootes Watershed to further explore this issue.

**5. Proposed New Sewer Use By-law (PW13061(a)) (Item 7.3)**

- (a) That the Sewer Use By-law, substantially in the form attached as Appendix “B” to Report PW13061a, be enacted, and shall come into force on May 1, 2014;
- (b) That the Water and Wastewater/Storm Fees and Charges By-law No. 13-325 be amended to reflect the fees and charges to be imposed for the Sewer Use By-law which are set out in Appendix “C” to Report PW13061a;
- (c) That the Director of Hamilton Water be authorized and directed to apply to the Senior Regional Judge for approval of set fines for offences under the Sewer Use By-law when the By-law has been enacted.

**6. Mobile Urban Park Initiative Study (PW14033) (Wards 2, 3 and 4) (Outstanding Business List Item) (Item 8.1)**

- (a) That the use of shipping containers for mobile urban parks be supported only in instances when requests originate through one of the City of Hamilton’s Business Improvement Area (BIA) organizations;
- (b) That the temporary placement of mobile urban parks be permitted within the road allowance or City property pending consultation with the BIA and local businesses, Public Works, and Planning and Economic Development, and other required City approvals;
- (c) That alternative funding for mobile urban parks be identified exclusive of the Open Space Development Capital Program and the City of Hamilton’s Contribution Towards BIA Operating Budget at Council’s discretion;

**7. Update on Light-Emitting Diode (LED) Street Lighting (PW14037) (City Wide) (Item 8.2)**

That the Public Works Department be authorized to formally engage the Ontario Energy Board on an ongoing basis for rate applications and all other matters related to street lighting, to ensure service costs are mitigated.

**8. Guidelines for Hydrogeological Studies and Technical Standards for Private Services (PW14032) (City Wide) (Item 8.3)**

- (a) That the Guidelines for Hydrological Studies and Technical Standards for Private Services (“the Guidelines”) be adopted to provide the necessary requirements for the completion of hydrogeological studies to support development in rural areas that rely on private water and wastewater services.
- (b) The Guidelines implement the policies of the Rural Hamilton Official Plan and represent an assembly of the technical and planning standards currently in place at the municipal and provincial level.

**9. Publication Box Annual Permit Policy (PW14027) (City Wide) (Item 8.4)**

- (a) That the Publication Box Annual Permit Policy, attached as Appendix "A" to PW Report 14-004, be approved;
- (b) That the draft by-law to amend the Regional Municipality of Hamilton-Wentworth Regional Roads Use By-law R77-109 and the City of Hamilton Streets By-law 86-77, attached as Appendix "B" to PW14027, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

**10. Area Rating Special Capital Re-Investment Reserve Funded Projects (Item 9.1)**

- (a) That various roadways within the Berrisfield Neighbourhood and Sherwood Neighbourhood be rehabilitated using asset preservation practices, with the work to include the rehabilitation of the existing asphalt, complete base repairs, along with high risk concrete curb and sidewalk repairs and re-paving;
- (b) That \$2,000,000 from Reserve #10856 – Ward 6 Area Rating Special Capital Reinvestment Reserve – be utilized to fund the asset preservation of roadways within the Berrisfield neighbourhood;
- (c) That \$500,000 from Reserve #10856 – Ward 6 Area Rating Special Capital Reinvestment Reserve – be utilized to fund the asset preservation of roadways within the Sherwood neighbourhood;
- (d) That the General Manager of Public Works be authorized to prepare, advertise and award tenders as required for the above-noted works.

**11. Tree Removal at 24 Huntington Avenue (Item 10.1)**

That forestry staff be directed to remove the tree located at 24 Huntington Avenue.

**12. Excess Traffic Lanes (Item 10.2)**

That staff investigate transportation corridors/areas in the lower city where excess traffic lanes might be eliminated or temporarily decommissioned to achieve future budget savings (including capital costs) and enhanced safety for all road users.

**13. Emergency Detour Routes (Item 10.3)**

- (a) That staff be directed to negotiate with the Ministry of Transportation for the approval and installation of supporting traffic signage for Emergency Detour Routes in the City of Hamilton;

- (b) That staff be directed to request that the Ministry of Transportation install Variable Message Board Signs, at locations to be agreed upon by staff from the City of Hamilton and the Ministry of Transportation, to enhance the effectiveness of the Long Emergency Detour Routes during incidents on Highway 403; and,
- (c) That staff be directed to request the Ministry of Transportation to include Highway 403 through the City of Hamilton, in the COMPASS Freeway Traffic Management System, in order to improve incident management and public notification
- (d) That staff advise the Ministry of Transportation that the City supports an Emergency Detour Route off Highway 403 using Highways 52, 5 and 6.

**14. Backwater Valves (Item 10.4)**

- (a) That staff be directed to reimburse the homeowners at 18 Eugene Street and 290 Roxborough Road for the installation of backwater valves as part of the City's 3P Program.
- (b) That the residents be required to submit the appropriate documentation, including receipts.

**FOR THE INFORMATION OF COUNCIL:**

**(a) APPROVAL OF THE AGENDA (Item 1)**

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

- (i) Item 6.1- Delegation from Mr. Ryan Huizinga respecting the installation of a 4-way stop at Powerline Road and Lynden Road has been withdrawn
- (ii) Item 9.1 – Amendment respecting a Motion on Area Rating Special Capital Re-investment Reserve Funded Projects
- (iii) Added as Item 10.1 - a Notice of Motion respecting a Tree Removal at 24 Huntington Avenue
- (iv) Added as Item 10.2 - a Notice of Motion respecting Excess Traffic Lanes
- (v) Added as Item 11.3 - Traffic Issues in Ward 6

The April 7, 2014 Public Works Committee Agenda was approved, as amended.

**(b) DECLARATIONS OF INTEREST (Item 2)**

There were no declarations of interest.

**(c) MINUTES (Item 3)**

**(i) March 17, 2014 (Item 3.1)**

The Minutes of the March 17, 2014 Public Works Committee meeting were approved, as presented.

**(d) DELEGATION REQUESTS (Item 4)**

**(i) Delegation Request from Michelle Martin, Community Access to Transportation**

The delegation request for June 2, 2014 from Michelle Martin, Community Access to Transportation, respecting a City Funded Bus Training Project was approved.

**(e) PUBLIC HEARINGS/DELEGATIONS (Item 6)**

**(i) Delegation by Mr. Alan Hansell respecting Stewards of Cootes Watershed (Item 6.1)**

Mr. Hansell was granted ten minutes to make his delegation respecting Stewards of Cootes Watershed.

Mr. Hansell addressed the Committee with the aid of a PowerPoint presentation. A copy of the presentation has been retained for the public record.

The presentation included but was not limited to the following:

- Introduction to the Stewards of Cootes Watershed organization
- Areas of the City where the organization does work
- Accomplishments of the organization
  - 832 bags of garbage removed
  - 238 tires removed
  - 83 shopping carts removed
  - 13,150 pounds of metal removed
  - 47,630 total pounds of garbage removed; including 29,570 pounds on City property
- Work with volunteers and various stakeholders in the community

- Innovative solutions used
- Future Plans/Moving Forward

The delegation by Mr. Alan Hansell respecting the Stewards of Cootes Watershed was received.

For disposition on this matter refer to Item 4.

**(f) PRESENTATIONS**

**(i) Emergency Detour Routes (Item 7.1)**

Mr. David Ferguson, Superintendent, Traffic Engineering, addressed the Committee with the aid of a PowerPoint presentation. A copy of the presentation has been retained for the public record.

The presentation included but was not limited to the following:

- Definition and purpose of an Emergency Detour Route (EDR)
- Establishing provincial EDRs
- What occurs during a road closure
- Proposed Routes
- Impact of Routes and Goals
- Next Steps

Sergeant M. Pivar, Burlington Detachment, Highway Safety Division, Ontario Provincial Police, was in attendance and answered questions of Committee members respecting Emergency Detour Routes.

The presentation respecting Emergency Detour Routes was received.

For disposition on this matter refer to Item 13.

**(ii) Public Works Asset Management Plan - Provincial Requirement (PW14035) (City Wide) (Item 3)**

Mr. John Murray, Manager, Engineering Services, Asset Management Section, addressed the Committee with the aid of a PowerPoint presentation. A copy of the presentation has been retained for the public record.

The presentation included but was not limited to the following:

- Assessment Management Plan (AMP) is a requirement to qualify for Provincial Funding
- Framework of the Provincial AMP
- Alignment with Strategic Plan

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- Level of Service Framework
- Asset Management Strategy
- Financial Strategy
- Continuous Improvement

The presentation respecting the Public Works Asset Management Plan - Provincial Requirement was received.

For disposition on this matter refer to Item 3.

**(iii) Proposed New Sewer Use By-law (PW13061(a)) (Item 5)**

Ms. Cari Vanderperk, Superintendent, Environmental Monitoring and Enforcement, addressed the Committee with the aid of a PowerPoint presentation. A copy of the presentation has been retained for the public record.

The presentation included but was not limited to the following:

- Overview of the Existing Sewer Use By-Law
- Gap Analysis on Existing By-law
- Discharge Parameters and Limits
- Sources of Influent Load (Oil and Grease)
- Grease Control Devices
- Pollution Control Devices (Interceptors)
- Sewer Discharge Permits
- Proposed Permit Fees and Charges
- Public Consultation Results
- Feedback from Restaurant Owners
- Stakeholder Survey Results

The presentation respecting a Proposed New Sewer Use By-Law was received.

For disposition on this matter refer to Item 5.

**(g) Park Land Deficits in Ward 3 (Item 11.1)**

The Committee agreed to allow Councillor Morrow to address the Committee at this time respecting Item 11.1 (Park Land Deficits in Ward 3).

Councillor Morrow indicated that a recent memorandum he received from staff shows that Ward 3 does not have sufficient park land. Councillor Morrow indicated that he has heard similar concerns expressed at public meetings in his Ward. He asked the Committee to keep this issue in mind in any discussions respecting the establishment of future park lands.

**(h) DISCUSSION ITEMS (Item 8)**

**(i) Update on Light-Emitting Diode (LED) Street Lighting (PW14037) (City Wide) (Item 8.2)**

That the General Manager of Public Works report back to the Public Works Committee on results of a Light-Emitting Diode (LED) Study.

For disposition on this matter refer to Item 7.

**(iii) Backwater Valves (Item 10.4)**

That staff report back to the Committee with policy options related to 3P applications submitted to the City for reimbursement with the required 3 quotes.

For disposition on this matter refer to Item 14.

**(i) MOTIONS (Item 9)**

**(i) Area Rating Special Capital Re-Investment Reserve Funded Projects**

For disposition on this matter refer to Item 10.

**(j) NOTICES OF MOTION (Item 10)**

Councillor Jackson introduced the following Notice of Motion:

**(i) Tree Removal at 24 Huntington Avenue (Added Item 10.1)**

Forestry staff were directed to remove the tree located at 24 Huntington Avenue.

The rules of order were waived to allow the introduction of a Motion respecting Tree Removal at 24 Huntington Avenue.

For disposition on this matter refer to Item 11.

Councillor Collins introduced the following Notice of Motion:

**(ii) Excessive Traffic Lanes(Added Item 10.2)**

Staff were directed to investigate transportation corridors/areas in the lower city where excess traffic lanes might be eliminated or temporarily decommissioned to achieve future budget savings (including capital costs) and enhanced safety for all road users.

The rules of order were waived to allow the introduction of a Motion respecting Excess Traffic Lanes.

For disposition on this matter refer to Item 12.

**(iii) Emergency Detour Routes(Added Item 10.3)**

Staff were directed to negotiate with the Ministry of Transportation for the approval and installation of supporting traffic signage for Emergency Detour Routes in the City of Hamilton;

Staff were directed to request that the Ministry of Transportation install Variable Message Board Signs, at locations to be agreed upon by staff from the City of Hamilton and the Ministry of Transportation, to enhance the effectiveness of the Long Emergency Detour Routes during incidents on Highway 403; and,

Staff were directed to request the Ministry of Transportation to include Highway 403 through the City of Hamilton, in the COMPASS Freeway Traffic Management System, in order to improve incident management and public notification

Staff were directed to advise the Ministry of Transportation that the City supports an Emergency Detour Route off Highway 403 using Highways 52, 5 and 6.

The rules of order be waived to allow the introduction of a Motion respecting Emergency Detour Routes.

For disposition on this matter refer to Item 13.

Councillor Collins introduced the following Notice of Motion:

**(iv) Backwater Valves**

Staff were directed to reimburse the homeowners at 18 Eugene Street (Mrs. Pat Stevens) and 290 Roxborough Road (Mr. David Matko) for the installation of backwater valves as part of the City's 3P Program.

The residents are required to submit the appropriate documentation, including receipts.

Staff were directed to report back to the Committee with policy options related to 3P applications submitted to the City for reimbursement with the required 3 quotes.

The rules of order were waived to allow the introduction of a Motion respecting Emergency Detour Routes.

For disposition on this matter refer to Item 14.

**(k) GENERAL INFORMATION/OTHER BUSINESS (Item 11)**

**(i) Public Works Yard Review Strategy**

Due to illness, Councillor Whitehead was not in attendance so discussion on this matter was deferred to the next meeting.

**(ii) Petitions respecting Traffic Issues in Ward 6**

Councillor Jackson advised the Committee about two petitions he has received from residents in Ward 6. One petition was respecting the installation of a 3-Way Stop at Oakcrest Drive and Mountain Brow Boulevard. The other petition was respecting a 40 kilometre per hour speed zone along sections of Mountain Brow Boulevard. Councillor Jackson has forwarded these petitions to Traffic Engineering staff for consideration.

**(iii) Pothole Repairs**

Councillor McHattie inquired with Mr. Gerry Davis, General Manager, Public Works about pothole repairs and whether the City's 2014 budget will cover the costs. Mr. Davis indicated that it is estimated that the pothole repair budget will be two to three times the normal amount due to harsh weather conditions. Mr. Davis indicated that he will be bringing forward a variance report about the costs of pothole repairs as well as the costs of watermain breaks.

**(l) ADJOURNMENT (Item 13)**

There being no further business, the Public Works Committee adjourned at 12:29 p.m.

Respectfully submitted,

Councillor S. Merulla, Vice-Chair  
Public Works Committee

Lauri Leduc  
Legislative Coordinator  
Office of the City Clerk

**NAME**

Hamilton Water Sub-committee (HWSC).

**MANDATE**

The City of Hamilton wishes to ensure that all of its Water and Wastewater facilities are compatible with the communities they are intended to serve, compliant with regulatory requirements, reflective of the concerns of interested agencies and implemented in a pragmatic and efficient manner. To do this requires careful planning and strategic thinking to ensure that upgrading and expansion of the existing facilities meets the needs of current and future generations.

In response to the increased initiatives within Hamilton Water, a Hamilton Water sub-committee (HWSC) of the Public Works Committee of Council is established to provide a forum for information exchange regarding important operational issues as well as key projects. Currently, key projects include the Woodward Upgrade and Biosolids Management Projects, however future operational issues and projects may also be included within scope of the sub-committee from time-to-time. Information exchange will occur among members of Council, City staff and consultants, according to Public Works Committee Report PW07007b. This effort will support other components of project communications, including the activities of any Technical Advisory Committee's and/or Community Liaison Committee's as established for any given project.

The broad mandate of the sub-committee will be to ensure information exchange and offer direction and support to staff, understanding that major decisions and status reports will still formally be brought forward to the Public Works Committee and Council as required.

The HWSC will be in place a minimum term that includes the completion of the Woodward Upgrade and Biosolids Management project and may include other additional projects from time-to-time through to 2020.

**Composition:** Four members of Council  
General Manager of Finance & Corporate Services  
General Manager of Public Works

**Duration:** To expire with the 2010 - 2014 term of Council or until such time as successors are appointed.

**Reporting to:** Public Works Committee

**Stipend:** No

**Meeting Schedule:** Meetings will be at the Call of the Chair.

**Contact:** Dan McKinnon  
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**CITY OF HAMILTON**  
**PUBLIC WORKS DEPARTMENT**  
**CORPORATE ASSETS AND STRATEGIC PLANNING DIVISION**  
**POLICY**

**POLICY NO:**

**SUBJECT:** Publications Box Annual Permit Policy

**ELIGIBILITY:**

### **1. Introduction**

This policy sets out the process for permitting Publication Boxes on City Property. It sets out how the Annual Permit will be administered as well as the requirements for installing and maintaining Publication Boxes on City Property.

### **2. Definitions**

**“Annual Permit”** means, collectively, a permit issued by the General Manager for the installation and maintenance of one or more Publication Boxes on City Property and a weather-resistant sticker which shall be affixed to each such Publication Box;

**“City ”** means the municipality of the City of Hamilton or the geographic area of the City of Hamilton, as the context requires;

**“City Property”** means a road allowance, park, cemetery, open space or any property owned or managed by the City;

**“General Manager”** means the General Manager of Public Works or his or her designate;

**“Highway”** includes a common and public highway, road, road allowance, boulevard, street, avenue, parkway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral lot lines thereof, sidewalks and parking areas, or any part of which that is intended for general public passage and is located within the City;

**“Location”** means the approved location for a Publication Box;

**“Permit Holder”** means the Person that applies for and receives an Annual Permit to place a Publication Box in a Location;

**“Publication Box”** means a vending box or other receptacle used for the purpose of displaying or distributing a newspaper, or any other printed, written, photographic or other published material.

### **3. Background**

The City may regulate or prohibit the installation and maintenance of Publication Boxes on City Property as the owner of the property. Further, the City is authorized to regulate or prohibit the installation and to regulate the maintenance of Publication Boxes under Sections 8, 9 10 of the *Municipal Act, 2001*. The *Municipal Act, 2001* also authorizes the

City, amongst other things, to delegate its authority, and to impose fees or charges on persons for services or activities provided or done by or on behalf of it. The Public Works Department is responsible for, amongst other things, managing City Property.

All fees in this Policy are as set in the City’s User Fees and Charges By-law or as approved by City Council from time to time.

#### **4. Prohibition**

Publication Boxes shall not be installed or maintained on City Property unless an Annual Permit has been obtained. The General Manager issues Annual Permits where, in his or her sole discretion, he or she is satisfied that this Policy will be complied with, the health and safety of the public will not be in jeopardy, and the installation and maintenance of the Publication Box will be in the public’s best interest.

##### **4.1 Annual Permit Applications**

An applicant applying for an Annual Permit or the renewal of an Annual Permit shall complete and submit an application, together with:

- 4.1.1 the application fee;
- 4.1.2 a photograph and/or sketch showing each Publication Box and its dimensions;
- 4.1.3 a list of all proposed locations for the installation of each Publication Box;
- 4.1.4 a description of how each Publication Box will be secured so as not to be easily moved;
- 4.1.5 the name and contact information of the proposed Permit Holder and the publication owner;
- 4.1.6 a description of the publication to be distributed through each Publication Box;
- 4.1.7 evidence of Commercial General Liability insurance satisfactory to the General Manager;
- 4.1.8 a signed release and indemnity form; and
- 4.1.9 any other supporting documentation which the General Manager deems necessary for the application.

##### **4.2 Publication Boxes Location Criteria**

Following receipt of a complete application (including the applicable fees and supporting documentation), each proposed location will be reviewed and may be approved if it adheres to the criteria set out in this subsection:

- 4.2.1. there shall be no more than three Publication Boxes at any one location;
- 4.2.2. one location may be established at one corner only at an intersection of roads other than major arterial or collector roads;
- 4.2.3. two locations may be established at two corners at an intersection of major arterial or collector roads;

- 4.2.4. no location shall be established within that part a Highway which is City Property, is not used by motor vehicles and is immediately adjacent to a property that:
  - 4.2.4.1. contains at least one dwelling unit; and
  - 4.2.4.2. is not used for a commercial, institutional or industrial purpose, except if such purpose is a home business as defined in the City’s zoning by-laws;
- 4.2.5. locations shall be established with a minimum separation distance of:
  - 4.2.5.1. 6m from a fire hydrant; and
  - 4.2.5.2. 6m from a bus loading area.
- 4.2.6. locations shall not obstruct:
  - 4.2.6.1. the use of a Highway by pedestrians or vehicles;
  - 4.2.6.2. any sight lines necessary to ensure the safety of pedestrian and vehicle access;
  - 4.2.6.3. any traffic sign;
  - 4.2.6.4. any street furniture, including but not limited to public transit shelters, public benches or waste receptacles;
  - 4.2.6.5. regular Highway maintenance, including but not limited to sidewalk cleaning and snow removal; or
  - 4.2.6.6. access to or maintenance of any hydro transformer, hydro switchgear, telephone or cable television terminal box, postal box or any other utility, aboveground or underground.

### **4.3 Issuing and Renewing an Annual Permit**

- 4.3.1. Where a completed application has been received, and each proposed location has been approved, the following will be issued by the General Manager:
  - 4.3.1.1. an Annual Permit for the installation and maintenance of each Publication Box; and
  - 4.3.1.2. a weather-resistant sticker which shall be valid for the term of the Annual Permit and which shall be affixed to each Publication Box.

#### **4.3.2. General Manager Authority**

Notwithstanding that a proposed location meets the criteria set out in this Policy, the General Manager reserves the right not to approve a location where it determines that the proposed location is likely to jeopardize the health and safety of pedestrian or vehicular traffic or is otherwise not in the public’s best interest.

#### **4.3.3. Annual Permit Renewals**

4.3.3.1. An application for the renewal of an Annual Permit Location will be considered for issuance before a new proposed location application, unless the Permit Holder owes any fees to the City under this Policy, or has failed to comply with any other condition under this Policy.

4.3.3.2. All applications for renewals of Annual Permit Locations shall be submitted between October 1 and October 31 in the preceding calendar year. New applications shall not be submitted earlier than October 1 in the preceding calendar year.

**4.3.4. Term of Annual Permit**

An Annual Permit issued on or after January 1 of any year shall expire on December 31 of that year and the Annual Permit fee shall not be pro-rated regardless of the date of issuance.

**4.3.5. Property of the City**

An Annual Permit is the property of the City and shall not be transferred without the written permission of the General Manager.

**4.3.6. Compliance with Conditions**

4.3.6.1. A Permit Holder shall comply with all of the conditions of the Annual Permit and this Policy;

4.3.6.2. Failure to comply with any condition of an Annual Permit or this Policy may result in the revocation of the Annual Permit by the General Manager, or the refusal by the General Manager to approve an application to renew an Annual Permit;

4.3.6.3. Upon revocation or refusal of an application to renew an Annual Permit, the Permit Holder shall remove the Publication Box. Failure to remove the Publication Box upon revocation or refusal may result in the Publication Box being removed by the City, with or without notice, at the Permit Holder's expense.

**4.4 Installation and Maintenance of Publication Boxes**

**4.4.1. Installation**

Every Permit Holder shall ensure that each Publication Box is installed only:

4.4.1.1. where the Publication Box has the weather-resistant sticker affixed;

4.4.1.2. at the Location set out in the Annual Permit;

4.4.1.3. where the Publication Box does not exceed 147 cm in height x 51 cm in width and x 46 cm in depth;

4.4.1.4. where the Publication Box is not secured by attaching it to a fixed object on a Highway, including but not limited to a bus stop, light standard, hydro pole, or fire hydrant; and

- 4.4.1.5 in a manner that complies with the conditions of the Annual Permit and all applicable law.

**4.4.2. Maintenance**

Every Permit Holder shall ensure that each Publication Box installed is:

- 4.4.2.1. free of graffiti;
- 4.4.2.2. maintained in a neat, clean and rust free condition at all times with the material it contains completely enclosed;
- 4.4.2.3. equipped with a self-closing door;
- 4.4.2.4. free of printed or advertising matter on the Publication Box, other than:
  - 4.4.2.4.1 the name of the publication being offered;
  - 4.4.2.4.2. the publication owner's name;
  - 4.4.2.4.3. instructions for the use of the Publication Box;
  - 4.4.2.4.4. information promoting the contents of the publication; and
  - 4.4.2.4.5. encouragement for participation in recycling;
- 4.4.2.5. free of litter in, on, or around the Publication Box;
- 4.4.2.6. otherwise in good and proper repair and condition satisfactory to the General Manager;
- 4.4.2.7. removed upon the expiration of an Annual Permit, unless the Annual Permit has been renewed; and
- 4.4.2.8. is maintained in a manner that complies with this Policy and all applicable law.

**4.4.3. Removal of Publication Boxes**

- 4.4.3.1. Any Publication Box may be removed with or without notice at the expense of the publication owner if there is no Annual Permit for the installation of the Publication Box;
- 4.4.3.2. In the event that a Publication Box is removed by the City or a public utility or other utility for the purpose of conducting work on or under the Highway, the Permit Holder shall be responsible for the cost of the removal and reinstallation of the Publication Box as invoiced by the City.

**4.4.4. Holding of Removed Publication Boxes**

- 4.4.4.1. If the General Manager removes a Publication Box under this Policy, the General Manager shall, as a courtesy, hold the Publication Box for a period of 60 days following its removal;

- 4.4.4.2. The Permit Holder or publication owner may claim the Publication Box during the 60 day holding period by paying the applicable fees;
- 4.4.4.3. Any Publication Box removed under this Policy shall be disposed of at the expiry of the 60 day holding period, if it has not been claimed by the Permit Holder or publication owner;
- 4.4.4.4. Regardless of whether or not the Publication Box is claimed, the Permit Holder or the publication owner shall be responsible for the applicable fees.

COUNCIL APPROVAL: \_\_\_\_\_

APPROVED DATE: \_\_\_\_\_

REVISED DATE: \_\_\_\_\_