CITY COUNCIL
MINUTES 18-001

5:00 p.m.
Wednesday, January 24, 2018
Council Chamber
Hamilton City Hall
71 Main Street West

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

Mayor Eisenberger called the meeting to order and recognized that Council is meeting on the traditional territories of the Mississauga and Haudenosaunee nations, and within the lands protected by the “Dish with One Spoon” Wampum Agreement.

The Mayor called upon Paul Neissen, a member of the Board of the Christian Salvage Mission and the Family Council for Regina Gardens to provide the invocation.

CEREMONIAL ACTIVITY

3.1 40th Anniversary of the Hamilton Winterfest

The Mayor recognized the following citizens and neighbourhood associations for their contributions to Winterfest festivities throughout the City:

Rosalind Brenneman, Jim Auty - Friends of Gage Park and Gage Park Winterfest

Gerry Polmanter, Mike Siden - North Central Community Association and North Central Winterfest

Karen Marcoux, Randy Chapple – Gourley Park Community Association, Gourley Park Winterfest

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

1. ADDED NOTICES OF MOTION (Item 8)

8.1 2015 and 2016 Niagara Peninsula Conservation Authority Levy Apportionment (LS16020(a))

8.2 Attracting Diversity in the Selection Process

8.3 Community Grants for Ward 3

8.4 Dedicating the ArcelorMittal Dofasco Fine to Greening Initiatives in East Hamilton (Ward 4)

2. ADDED BY-LAWS (Item 11)

018 To Authorize the Temporary Borrowing of Monies to Meet Current Expenditures Pending Receipt of Current Revenues for 2018
Ward: City Wide

019 To Authorize an Interim Tax Levy for 2018
Ward: City Wide

020 To Authorize the Signing of an Agreement between the City of Hamilton and the Ministry of Transportation Related to Funding Provided Under the Dedicated Gas Tax Funds for Public Transportation Program
Ward: City Wide

(Pearson/VanderBeek)
That the agenda for the January 24, 2018 meeting of Council be approved, as amended.

CARRIED

DECLARATIONS OF INTEREST

Mayor Eisenberger declared an interest in Items 5.4, 5.6 and 7.1 as his family are investors in a federally licensed medical marijuana company.

Councillors M. Green, M. Pearson and S. Merulla declared an interest in Item 4, Quality Index for Rental Units (PED18026) (City Wide), as they are owners of rental properties.

APPROVAL OF MINUTES

4.1 December 8, 2017

(Conley/Collins)
That the Minutes of the December 8, 2017 meeting of Council be approved, as presented.

CARRIED

4.2 December 18, 2017

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

CARRIED

COMMUNICATIONS

(A. Johnson/Farr)
That Council Communications 5.1 through 5.26 be approved, ***as amended***, as follows:

5.1 Correspondence from the City of Port Colborne requesting support for the City of Port Colborne's Council resolution requesting a Provincially Appointed Supervisor of the Niagara Peninsula Conservation Authority.

Recommendation: Be ***endorsed***.

5.2 Correspondence from the City of Kingston requesting support of the City of Kingston's Council resolution endorsing AMO's position and requesting that the Minister review the criticisms of AMO and alPHa.

Recommendation: Be received.

5.3 Correspondence from Dan Mathieson, Chair, MPAC Board of Directors respecting the Budget and Municipal Levy for 2018.

Recommendation: Be received.

5.4 Correspondence from the Honourable Charles Sousa, Minister of Finance respecting an update on the provincial work underway to establish a retail and distribution channel for legal cannabis.

(Ferguson/Merulla)
That the Mayor correspond with the Minister of Finance thanking him for understanding the cost impacts of legalized cannabis and reiterate that urgency in getting the legislation to municipalities to give the police the tools they need to shut down illegal distributors.

CARRIED

5.5 Correspondence from the City of Clarence-Rockland requesting support for the City of Clarence-Rockland's Council resolution opposing Bill 160, Strengthening Quality and Accountability for Patients Act, 2017.

Recommendation: Be received.

5.6 Correspondence from the Honourable Ralph Goodale, Minister of Public Safety and Emergency Preparedness in response to the Mayor's letter calling for the swift passage of federal government legislation to legalize and regulate cannabis.

Recommendation: Be received.

5.7 Correspondence from the Honourable Tracy MacCharles, Minister of Government and Consumer Services and the Honourable Bill Mauro, Minister of Municipal Affairs updating Council on Bill 59, Putting Consumers First Act.

Recommendation: Be received.

5.8 Correspondence announcing the passing of Bill 139 - the Building Better Communities and Conserving Watersheds Act, 2017.

Recommendation: Be received.

5.9 Correspondence from Matthew Torigian, Deputy Minister, Community Safety informing Council of the government of Ontario's expansion to the Ontario Naloxone Program to provide access to Police and Fire Services.

Recommendation: Be received ***and referred to the Hamilton Police Service, Hamilton Fire Service, and Public Health Services, for their consideration***.

5.10 Correspondence from Peter Julian, MP, New Westminster-Burnaby in appreciation for Council's support for his Private Member's Bill C-313, calling for a National Strategy on Advertising to Children Act.

Recommendation: Be received.

5.11 Correspondence from the Honourable Peter Milczyn, Minister of Housing providing Council with information on key housing initiatives that were announce on November 28, 2017, to improve housing access.

Recommendation: Be received

5.12 Correspondence from the Town of Erin requesting support for the Town of Erin's Council resolution requesting that the Province of Ontario provide considerable funding to the Conservation Authorities on behalf of the small tier municipalities.

(Green/Partridge)
WHEREAS, the Deputy Mining and Lands Commissioner, Marianne Orr, rejected Hamilton’s appeal against the Niagara Peninsula Conservation Authority doubling our levy from $500,000 to 1.2 million,

WHEREAS, the Grand River Conservation Authority has raised Hamilton’s levy by 427% from $263,512 to $1,389,640, and

WHEREAS, the Provincial contribution to said conservation authorities at or around 4%

THEREFORE BE IT RESOLVED:

That the Mayor request the Hon. Chris Ballard, Minister of Environment and Climate Change and the Hon. Kathryn McGarry, Minister of Natural Resources to provide a considerable funding increase to Conservation Authorities across the Province, with copies to Ted McMeekin MPP and the Association of Municipalities of Ontario.

CARRIED

5.13 Correspondence from the Town of Amherstburg requesting support of the Town of Mono's resolution regarding the on-call provisions in Bill 148.

Recommendation: Be received.

5.14 Correspondence from the Town of Amherstburg requesting support for the Township of Frontenac's resolution regarding the negative impact of Bill 148.

Recommendation: Be received.

5.15 Correspondence from the Region of Halton requesting support of the Region of Halton's resolution respecting MPAC Service Delivery Shortcomings.

Recommendation: Be ***endorsed and referred to the Audit, Finance and Administration Committee***.

5.16 Correspondence from the City of St. Catharines requesting support of the City of St. Catharines' Council resolution requesting that the NPCA Board disclose the total amounts spent on the lawsuits.

Recommendation: Be ***endorsed***.

5.17 Correspondence from the City of St. Catharines requesting support of the City of St. Catharines' Council resolution requesting that the Premier of Ontario to immediately appoint a Supervisor to take over the operation of the NPCA.

Recommendation: Be ***endorsed***.

5.18 Correspondence from Werner Plessl, Executive Director, Hamilton Waterfront Trust respecting Bob Charter's resignation from the Board of the Hamilton Waterfront Trust effective immediately.

Recommendation: Be received and referred to the Selection Committee.

5.19 Correspondence respecting PED18013, 43 - 51 King Street East and 60 King William Street

(a) A petition containing 10 signatures (A copy of the petition is available for viewing in the Office of the City Clerk)

(b) Beasley Neighbourhood Association

Recommendation: Be received and referred to the consideration of Item 7 of the Planning Committee Report 18-001

5.20 Correspondence from Lakewood Beach Community Council respecting Presto Loading Locations - Shoppers Drug Mart.

Recommendation: Be received and referred to Item (g)(ii) of the Public Works Committee Report 18-001

5.21 Correspondence from Dicenzo & Associates respecting the Statutory Public Meeting for "Mountaingate" Development (Hotz & Sons)

Recommendation: Be received and referred to the consideration of Item 9 of the Planning Committee Report 18-001.

5.22 Correspondence from Rochelle Martin, Central Neighbourhood Association in support of the motion respecting green burial in Hamilton municipal cemeteries.

Recommendation: Be received and referred to the consideration of Item 7.2 a motion respecting the Feasibility of Green Burials as a Burial Option in Hamilton.

5.23 Correspondence from the Town of Amherstburg requesting support for the Windsor-Essex County Board of Health's resolution respecting the proposed changes to the Cannabis Act (Bill C-45)

Recommendation: Be received.

5.24 Correspondence from the Town of Amherstburg requesting support for the Essex County Federation of Agriculture concerns respecting the proposed tax changes.

Recommendation: Be received.

5.25 Correspondence from Ontario Good Roads Association requesting support for reforms to the Municipal Class Environmental Assessment(MCEA) process.

Recommendation: Be received.

5.26 Correspondence from the Honourable Kathryn McGarry, Minister of Natural Resources and Forestry in response to the Mayor's letter respecting the City of Hamilton's gypsy moth infestations.

Recommendation: Be received.

CARRIED

(Pasuta/VanderBeek)
That Council move into Committee of the Whole for consideration of the Committee Reports.

CARRIED

SPECIAL GENERAL ISSUES COMMITTEE (LRT) REPORT 17-026

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

CARRIED

SPECIAL GENERAL ISSUES COMMITTEE REPORT 17-027

(Eisenberger/Partridge)
That the TWENTY-SEVENTH Report of the General Issues Committee, be received for information.

CARRIED

PUBLIC WORKS COMMITTEE REPORT 18-001

Motion to Lift Information Item (g)(ii) of Public Works Committee Report 18-001 respecting the PRESTO Operating Agreement (PW17033(a)) (City Wide) (Item 7.2)

(Ferguson/B. Johnson)
That Information Item (g)(ii) of Public Works Committee Report 18-001 respecting the PRESTO Operating Agreement (PW17033(a))**,** be lifted from the Information Section.

CARRIED

(Ferguson/B. Johnson)
That the Presto Operating Agreement (PW17033(a)), be added as Item 11 to the Public Works Committee Report 18-001, as follows:

11. PRESTO Operating Agreement (PW17033(a)) (City Wide) (Item 7.2)

(a) That the City Manager or delegate be authorized on behalf of the City of Hamilton to execute a new ten (10) year agreement with Metrolinx for the provision of the PRESTO smart card system substantially on the terms outlined in this report and in a form acceptable to the City Solicitor; and

(Merulla/Collins)
WHEREAS, many HSR users prefer to use paper tickets and HSR passes when riding the bus for reasons such as ease of use and convenience in purchasing; and,

WHEREAS, some HSR riders, for socio-economic reasons, need to purchase tickets and HSR passes and not PRESTO passes which have a cost associated with them; and,

WHEREAS, maintaining the sale of paper tickets and HSR passes will not affect the PRESTO Operating Agreement,

THEREFORE BE IT RESOLVED:

(b) That staff be directed to ensure that paper tickets and passes remain an option for HSR passengers ~~indefinitely regardless of Presto participation rates~~

for a one-year pilot project with a report back to Public works and that the present subsidy program be used to mitigate costs of the program.

***Amendment* CARRIED**
Main Motion *as Amended* CARRIED

(Ferguson/B. Johnson)
That the FIRST Report of the Public Works Committee be adopted, ***as amended***, and the information section received.

CARRIED

MOTIONS

(Merulla/Collins)
That Items 7.4, a motion respecting an Amendment to Item 13 of the Public Works Committee Report 10-009 be moved up the agenda for discussion.

CARRIED

7.4 Amendment to Item 13 of the Public Works Committee Report 10-009

(Ferguson/B.Johnson)
WHEREAS, the new Public Works Organizational Structure has necessitated a change to the authorization and execution of certain funding agreements with Metrolinx respecting Smart Commute Hamilton Services on behalf of the City of Hamilton.

THEREFORE BE IT RESOLVED:

That Item 13(a) of Public Works Committee Report 10-009, ***be amended*** by deleting the words Public Works and replacing them with the words ***Planning and Economic Development*** to read as follows:

13. Smart Commute Hamilton Program Update and Funding (PW10062) (City Wide) (Outstanding Business List Item) (Item 8.2)

(a) That the General Manager of ~~Public Works~~ ***Planning and Economic Development*** be authorized and directed to execute, on behalf of the City of Hamilton, certain funding agreements with Metrolinx regarding Smart Commute Hamilton Services, and all necessary associated documents required to give effect to Smart Commute Hamilton programs, as described in Appendix “A” attached hereto, to the satisfaction of the City Solicitor;

CARRIED

(Merulla/Collins)
That Items 7.4, a motion respecting Recognition of January 29th as a Day of Remembrance and Action on Islamophobia be moved up the agenda for discussion.

CARRIED

7.3 Recognition of January 29th as a Day of Remembrance and Action on Islamophobia

(Green/Conley)
WHEREAS, on Sunday, January 29, 2017, a gunman at the Centre Culturel Islamique de Québec in Quebec City, shot and killed Ibrahima Barry, Azzedine Soufiane, Aboubaker Thabti, Abdelkrim Hassane, Mamadou Tanou Barry, and Khaled Belkacemil, and injured 19 others;

WHEREAS, Islamophobia negatively impacts community members' sense of safety and wellbeing, and belonging;

WHEREAS, on September 14, 2016, there was an attempted fire bomb at the Ibrahim Jame Mosque; also marring Hamilton with Islamophobia and hatred;

WHEREAS, communities in Hamilton, Toronto, and Quebec City are organizing commemorative vigils on January 29th to remember the tragedy that occurred at the Centre Culturel Islamique de Québec in Quebec City;

THEREFORE BE IT RESOLVED:

(a) That January 29th be recognized as the Day of Remembrance and Action on Islamophobia;

(b) That Hamilton City Council re-affirm their strong opposition to Islamophobia, like all other forms of racism, hate, xenophobia, and bigotry; and,

(c) That the Mayor, on behalf of the City of Hamilton, correspond with the Right Honourable Justin Trudeau, Prime Minister of Canada; and, the Honourable Kathleen Wynne, Premier of Ontario, to request that the Government of Canada and the Province of Ontario designate January 29th as the Day of Remembrance and Action on Islamophobia.

CARRIED

The Main Motion CARRIED unanimously on the following Standing Recorded Vote

Yeas: Mayor F. Eisenberger, Deputy Mayor A. Johnson, J. Farr, M. Green, S. Merulla, C. Collins, T. Jackson, D. Skelly, T. Whitehead, D. Conley, M. Pearson, B. Johnson, L. Ferguson, A. VanderBeek, R. Pasuta and J. Partridge.
Total: 16

BOARD OF HEALTH REPORT 18-001

(B. Johnson/Ferguson)
That the FIRST Report of the Board of Health be adopted, as presented, and the information section received.

CARRIED

PLANNING COMMITTEE REPORT 18-001

15. Appeal to the Ontario Municipal Board (OMB) on the City of Hamilton's Refusal or Neglect to Adopt an Amendment to the Urban Hamilton Official Plan and City of Stoney Creek Zoning By-law No. 3692-92, for Lands Located at 157 Upper Centennial Parkway (Stoney Creek) (Ward 9) (Added Item 12.1)

(Farr/Conley)
That the recommendation of Item 15 of Planning Committee Report 18-001 respecting Appeal to the Ontario Municipal Board (OMB) on the City of Hamilton's Refusal or Neglect to Adopt an Amendment to the Urban Hamilton Official Plan and City of Stoney Creek Zoning By-law No. 3692-92, for Lands Located at 157 Upper Centennial Parkway (Stoney Creek) be deleted in its entirety and the following be inserted therein:

~~That the direction to staff respecting the Appeal to the Ontario Municipal Board (OMB) on the City of Hamilton's Refusal or Neglect to Adopt an Amendment to the Urban Hamilton Official Plan and City of Stoney Creek Zoning By-law No. 3692-92, for Lands Located at 157 Upper Centennial Parkway (Stoney Creek), be approved and remain private and confidential until approved by Council.~~

WHEREAS**,** in respect of the lands municipally known as 157 Upper Centennial Parkway("Subject Lands") an application has been made by 1520866 Ontario Limited (the "Applicant") for an Urban Hamilton Official Plan Amendment (UHOPA-16-020) to redesignate part of the Subject Lands from "Arterial Commercial" to "Neighbourhoods" on Schedule "E-1" – Urban Land Use Designations, Volume 1 of and to redesignate the lands from "Arterial Commercial" to "Low Density Residential 3c" in the West Mountain (Heritage Green) Secondary Plan on Map B.7.6-1 – West Mountain/Heritage Green – Land Use Plan, Volume 2 of the UHOP;

WHEREAS**,** the effect of this application is to permit a range of townhouse dwelling forms on the Subject Lands;

WHEREAS**,** an application (ZAC-16-056) has been made by the Applicant for a zoning by-law amendment ("ZBA") for the Subject Lands for a change in zoning from the Neighbourhood Development "ND" Zone to a modified Multiple Residential "RM3"

Zone in order to permit the development of block and back-to-back townhouse dwellings for a total of 95 units;

WHEREAS**,** the Applicant has appealed its UHOPA and ZBA applications to the OMB as a result of Council refusing or neglecting to make a decision in respect of the applications within the time periods provided for in the *Planning Act*;

WHEREAS**,** in regards to the appeals Planning staff provided Information Report PED17213 to Planning Committee at its December 5, 2017 meeting;

WHEREAS**,** staff have identified concerns with the application including but not limited to:

(a) re-designation of a portion of the subject lands from “Arterial Commercial” to “Residential” an ensuring sufficient commercial lands remain intact for this area;

(b) the density of the development;

(c) lack of amenity space in the proposed development;

(d) inappropriate interface of proposed development with adjacent residential and commercial development;

(e) lack of demonstration by the applicant of an appropriate grading interface with Upper Centennial Parkway right of way and adjacent development and properties;

(f) lack of demonstration by the applicant of appropriate integration with surrounding development;

(g) engineering issues with respect to the Subject Lands including but not limited to:
-the availability of municipal water;
-the quantity and quality of water runoff;
-lack of storm-water management facilities;
-connection to services from 165 Upper Centennial Parkway, and
-establishment of servicing easements on the subject lands in favour of
-properties directly south; and
-insufficient sanitary sewer capacity;

(h) driveway access from Upper Centennial Parkway for the proposed 95 units cannot be supported at this time. Alternative access from private lands to the west or south must be obtained in order for the site to function; and

(i) the need to secure cost recovery for services provided by neighbouring development that would benefit development on the subject lands; and

WHEREAS**,** the City does not employ a traffic engineer and traffic engineering evidence will be required at the hearing if the City opposes the appeals;

THEREFORE BE IT RESOLVED:

(a) That Legal staff be instructed to oppose the appeals by 1520866 Ontario Limited to the Ontario Municipal Board of its Urban Hamilton Official Plan Amendment application (UHOPA-16-020) and its zoning by-law amendment application (ZAC-16-056) for reasons which include but are not limited to the following:

(i) redesignation of a portion of the subject lands from "Arterial Commercial" to "Residential" does not ensure sufficient commercial lands remain designated for this area;

(ii) the proposed development is too dense;

(iii) lack of amenity space in the proposed development;

(iv) inappropriate interface of proposed development with adjacent residential and commercial development;

(v) lack of demonstration by the applicant of an appropriate grading interface with Upper Centennial Parkway right of way (including drainage swale) and adjacent development and properties;

(vi) lack of demonstration by the applicant of appropriate integration with surrounding development;

(vii) approval of the applications is premature until the following engineering issues are resolved: the availability of municipal water; lack of sanitary sewer capacity; the quantity and quality of water runoff, lack of storm water management facilities, connection to services from 165 Upper Centennial Parkway and the establishment of servicing easements on the subject lands in favour of properties directly to the south;

(viii) driveway access from Upper Centennial Parkway for the proposed 95 units cannot be supported at this time. Alternative access from private lands to the west or south must be obtained in order for the site to function; and

(ix) the need to secure cost recovery for services provided by neighbouring development that would benefit development on the subject lands.

(b) That Legal staff be authorized to retain such outside professional(s) as they deem necessary, including but not limited to a traffic engineer to oppose 1520866 Ontario Limited's appeals and charge the costs to the Tax Stabilization Reserve 110046.

CARRIED

(Farr/Conley)
That the FIRST Report of the Planning Committee be adopted, ***as amended***, and the information section received.

CARRIED

GENERAL ISSUES COMMITTEE REPORT 18-002

15. Tax Assistance Programs for Seniors and Low Income Persons with Disabilities (FCS18005) (City Wide) (Item 8.8)

The motion respecting Item 15, Tax Assistance Programs for Seniors and Low Income Persons with Disabilities (FCS18005) was CARRIED unanimously on the following Standing Recorded Vote:

Yeas: Mayor F. Eisenberger, Deputy Mayor A. Johnson, J. Farr, M. Green, S. Merulla, C. Collins, T. Jackson, D. Skelly, T. Whitehead, D. Conley, M. Pearson, B. Johnson, L. Ferguson, A. VanderBeek, R. Pasuta and J. Partridge.
Total: 16

22. Five Minute Speaking Limit for Members of Council at Committee and Council Meetings (Item 10.1)

(Merulla/Partridge)
That the question on the Motion respecting Five Minute Speaking Limit for Members of Council at Committee and Council Meetings, be called.

CARRIED

The motion respecting Item 22, Five Minute Speaking Limit for Members of Council at Committee and Council Meetings was CARRIED on the following Standing Recorded Vote:

Yeas: Mayor F. Eisenberger, Deputy Mayor A. Johnson, J. Farr, M. Green, D. Skelly, B. Johnson, L. Ferguson, A. VanderBeek, R. Pasuta
Total: 9
Nays: S. Merulla, C. Collins, T. Jackson, T. Whitehead, D. Conley, M. Pearson and J. Partridge
Total: 7
Absent: 0

(Pearson/Pasuta)
That consideration of General Issues Committee Report 18-002, be deferred until after the Closed Session portion of the meeting.

CARRIED

HAMILTON STREET RAILWAY COMPANY SHAREHOLDER REPORT 18-001

(Eisenberger/Pasuta)
That the FIRST Report of the Hamilton Street Railway Company Shareholder be adopted, as presented, and the information section received.

CARRIED

HAMILTON UTILITIES CORPORATION SHAREHOLDER REPORT 18-001

(Eisenberger/VanderBeek)
That the FIRST Report of the Hamilton Utilities Corporation Shareholder be adopted, as presented, and the information section received.

CARRIED

AUDIT FINANCE AND ADMINISTRATION REPORT 18-001

(VanderBeek/B. Johnson)
That the FIRST Report of the Audit, Finance and Administration Committee be adopted, as presented, and the information section received.

CARRIED

EMERGENCY AND COMMUNITY SERVICES REPORT 18-001

(Merulla/Collins)
That the FIRST Report of the Emergency and Community Services Committee be adopted, as presented, and the information section received.

CARRIED

MOTIONS (Continued)

7.1 Recovery of City of Hamilton Costs for Implementation of Cannabis Legalization

(Merulla/Collins)
WHEREAS the federal government of Canada introduced on April 13, 2017 legislation to legalize and regulate cannabis;

WHEREAS the provincial government of Ontario announced on September 8, 2017 its framework for cannabis legalization;

WHEREAS local municipalities have been delegated a central role in the administration and enforcement of the federal government's efforts to fulfill its commitment to legalize and regulate cannabis across Canada;

WHEREAS Bills C-45, C-46 and Bill 174 signal that municipalities will be responsible for amending, administering and enforcing zoning by-laws and other planning instruments, along with rules around smoking restrictions, public nuisance, and safety concerns, including enforcement of illegal activity, minimum age of purchase, possession limits, public consumption, retail location rules, home cultivation and public health including public education and prevention; and

WHEREAS implementing the cannabis regime will require process or capacity changes, creating and adjusting by-laws, planning/building and community standards and licensing, fire and police/enforcement services, finance, human resources and customer service that correspond to federal and provincial regulations.

THEREFORE BE IT RESOLVED:

(a) That the Mayor request that the Government of Canada and the Province of Ontario commit to fully recover municipal costs of implementing and enforcing the new framework for legalized cannabis and ensure that the City of Hamilton is adequately funded on a full cost recovery basis for the City's role in implementation and enforcement arising from the legalization of cannabis;

(b) That City staff convene an inter-divisional working group led by Finance and including Planning and Economic Development, Legal Services, Hamilton Police Services, Public Health, Hamilton Fire Services, Licensing & By-law Services to identify municipal costs relating to the legalization of cannabis and funding needed by the City for its role within the legalized system; and

(c) That the Director of Financial Planning, Administration and Policy in consultation with the inter-divisional working group report back to the General Issues Committee on the full costs to the City of the new cannabis regime and that this information be shared with the federal and provincial governments.

CARRIED

7.2 Feasibility of Green Burials as a Burial Option in Hamilton

(Farr/Collins)
WHEREAS, Green Burials may be becoming more popular as a burial option throughout some North American communities;

WHEREAS, Green Burials are environmentally friendly;

WHEREAS, to this point, the City of Hamilton has not formally engaged residents on a Green Burial option; and

WHEREAS, the City of Hamilton may have both the resources and potential land (cemeteries and otherwise) to contemplate such an option.

THEREFORE BE IT RESOLVED:

(a) That the appropriate staff from Public Works be requested to investigate both the community interest and the feasibility of Green Burials as a burial option in Hamilton; and

(b) That staff report back to the Public Works Committee.

CARRIED

7.5 Maintaining the Sale of Hamilton Street Railway (HSR) Bus Tickets and Passes

For disposition of this matter, refer to Item 11 of the Public Works Report 18-001

7.6 Making Good Use of a Great Amazon Bid Package

(Farr/Pearson)
WHEREAS, Amazon has announced its shortlist of cities that are eligible in their new H2 contest;

WHEREAS, the City of Hamilton is not on that list;

WHEREAS, the City of Hamilton shared in a 50/50 cost split of up to 500K in our bid to attract Amazon; and

WHEREAS, it was always contemplated that in the event Hamilton lost the bid, the bid proposal to attract Amazon would be beneficial in attracting future jobs and business, particularly in the tech field.

THEREFORE BE IT RESOLVED:

That the appropriate staff from Economic Development be directed to report annually to Council on any new jobs and business that were attracted to Hamilton as a result of our staff's efforts and where that effort included, but not limited to, utilizing some or all of the materials the City submitted in the unsuccessful Amazon bid.

CARRIED

7.7 2015 and 2016 Niagara Peninsula Conservation Authority Levy Apportionment (LS16020(a))

(Eisenberger/Whitehead)
(a) That the City apply to the Ontario Divisional Court for the judicial review of the decision of the Mining and Lands Commissioner, dated December 21, 2017;

(b) That the City Solicitor be authorized and directed to take all necessary steps in accordance with Report LS16020(a); and,

(c) That Report LS16020(a), respecting the 2015 and 2016 Niagara Peninsula Conservation Authority Levy Apportionment, remain confidential.

CARRIED

7.8 Attracting Diversity in the Selection Process

(Whitehead/Green)
(a) That the staff be directed to review the selection process with respect to attracting a more diverse group of applicants, and any costs associated, and report to the ~~Governance Review Sub-Committee~~ ***General Issues Committee***;

(***b) That the provincial and federal governments be requested to reflect on increasing diversity in their Appointments to our Agencies, Boards and Commissions.***

Main Motion *As Amended* CARRIED

7.9 Community Grants for Ward 3

(Green/Farr)
WHEREAS, cell tower revenues from Ward 3 of $50,372.59 are available in project 3301609603 to provide financial support to community led projects and initiatives that benefit Ward 3;

THEREFORE BE IT RESOLVED:

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

(i) That a Prince of Wales School is granted funds in the amount of $1,000 to support the Just One Wish Kindness Awards to help promote kindness amongst children in our community.

(ii) That the Micah House Refugee Reception Services Inc is granted funds in the amount of $1,000 to support needed windows in the basement to help improve security, and better serve the community.

(iii) That Club 30, the seniors tenant group at 30 Sanford Ave S. is granted funds in the amount of $1,000 to help support community programming for seniors in the building.

(iv) That the Hamilton Black History Committee be granted funds in the amount of $1,500.00 for the John C. Holland Awards to help celebrate Hamilton's Black Community.

(v) That Open Doors Job Fair is granted funds in the amount of $1,000 to help support the Trans Job Fair to provide Hamilton's first Transgendered focused jobs fair to enable employment amongst the trans community.

(vi) That the Eva Rothwell Centre is granted funds in the amount of $1,500 to help support the Learning and Discovery Camps that will provide children with the opportunity to participate and experience a safe and educational camp.

(vii) That L'Arche is granted funds in the amount of ~~$1,500~~ ***$2,500*** to help further foster a supportive community for residents with intellectual disabilities with upgrades to their facility for accessibility.

(b) That the Mayor and City Clerk be authorized and directed to execute any required agreement(s) and ancillary documents, with such terms and conditions in a form satisfactory to the City Solicitor.

Main Motion *As Amended* CARRIED

7.10 Dedicating the ArcelorMittal Dofasco Fine to Greening Initiatives in East Hamilton (Ward 4)

(Merulla/Collins)
WHEREAS, an air emission incident from a blast furnace occurred at ArcelorMittal Dofasco on February 5, 2015;

WHEREAS, ArcelorMittal Dofasco was fined $162,500 under the Province of Ontario's *Environmental Protection Act*;

WHEREAS, revenue from this fine is paid to the City of Hamilton from the Ministry of the Environment and Climate Change and goes to the City's general revenue accounts; and,

WHEREAS, the East Hamilton community is in need of, and can benefit from, projects to enhance the local environment.

THEREFORE BE IT RESOLVED:

That the net funds received by the City of Hamilton resulting from the February 9, 2015 environmental law convictions be deposited to the Tax Stabilization Reserve (110046) and committed to future enhancement of green initiatives in East Hamilton.

CARRIED

7.11 Conservation Authority Boundary Review

(Green/Farr)
WHEREAS, Deputy Mining and Lands Commissioner Marianne Orr rejected Hamilton's appeal against the Niagara Peninsula Conservation Authority that the authority was charging too much under the new presented formula;

WHEREAS, it means the city has had to pay double the levy that City of Hamilton paid in 2014 and previous years.;

WHEREAS, the Grand River Authority has brought forward a tax levy with a $1,000, 000 increase on the City of Hamilton's levy portion which is a 427% annual increase;

WHEREAS, there are provisions provided in Part III of the *Conservation Authorities Act* (R.S.O. 1990, Chapter C.27), which outlines:

ENLARGING AREAS OF JURISDICTION, AMALGAMATIONS AND DISSOLUTIONS

Enlargement of authority's area

10 (1) If an authority has been established, the council of a municipality that is completely or partly outside the jurisdiction of the authority may call a meeting to consider the enlargement of the area over which the authority has jurisdiction to include an area specified by the municipality. 1998, c. 18, Sched.I, s. 3 (1).

WHEREAS, Under the Apportionment Act the perceived benefit to the taxpayers of the City of Hamilton is a legal consideration; and

WHEREAS, given the astronomical levy increase placed on our municipal tax levy by neighbouring Authorities the perceived benefit is no longer commensurate to the perceived value of our residents supporting neighbouring municipalities.

THEREFORE BE IT RESOLVED:

(a) That Mayor formally request on behalf of the City of Hamilton that the Hamilton Conservation Authority take the formal steps necessary to request an enlargement of Hamilton's jurisdiction to include the overlapping geographic areas with the neighbouring Conservation Authorities; and

(b) That correspondence be sent to the Premier Kathleen Wynne and to the Minister of Natural Resources the Hon. Kathyrn McGarry outlining the disportionate burden the current formulas used by the Lands and Mines commissioner to determine levy's under the Act.

CARRIED

NOTICES OF MOTION

8.1 2015 and 2016 Niagara Peninsula Conservation Authority Levy Apportionment (LS16020(a))

Mayor Eisenberger relinquished the Chair to introduce a Notice of Motion respecting a 2015 and 2016 Niagara Peninsula Conservation Authority Levy Apportionment.

(Eisenberger/Whitehead)
That the Rules of Order be waived to allow for the introduction of a Motion respecting 2015 and 2016 Niagara Peninsula Conservation Authority Levy Apportionment.

CARRIED

For disposition of this matter, please refer to Item 7.7.

Mayor Eisenberger assumed the Chair.

8.2 Attracting Diversity in the Selection Process

Councillor Whitehead introduced a Notice of Motion respecting Attracting Diversity in the Selection Process.

(Whitehead/Green)
That the Rules of Order be waived to allow for the introduction of a Motion respecting Attracting Diversity in the Selection Process.

CARRIED

For disposition of this matter, please refer to Item 7.8.

8.3 Community Grants for Ward 3

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

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

CARRIED

For disposition of this matter, please refer to Item 7.9.

8.4 Dedicating the ArcelorMittal Dofasco Fine to Greening Initiatives in East Hamilton (Ward 4)

Councillor Merulla introduced a Notice of Motion respecting Dedicating the ArcelorMittal Dofasco Fine to Greening Initiatives in East Hamilton.

(Merulla/Collins)
That the Rules of Order be waived to allow for the introduction of a Motion respecting Dedicating the ArcelorMittal Dofasco Fine to Greening Initiatives in East Hamilton.

CARRIED

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

8.5 Conservation Authority Boundary Review

Councillor Green introduced a Notice of Motion respecting a Conservation Authority Boundary Review.

(Green/Farr)
That the Rules of Order be waived to allow for the introduction of a Motion respecting a Conservation Authority Boundary Review.

CARRIED

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

STATEMENT BY MEMBERS

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

PRIVATE AND CONFIDENTIAL

(Farr/Pearson)
That Council move into Closed Session Pursuant to Section 8.1, Sub-sections (c), (d) and (e) of the City's Procedural By-law 14-300, and Section 239(2), Sub-sections (c), (d) and (e) of the Ontario Municipal Act, 2001, as amended, as the subject matters pertain to a proposed or pending acquisition or disposition of land for City purposes; labour relations or employee negotiations; and, litigation or potential litigation, including matters before administrative tribunals, affecting the City.

CARRIED

(Farr/Pearson)
That Council reconvene in Open Session.

CARRIED

23. Hamilton Waterfront Trust - Staff Response to Council's October 25, 2017 Direction (CM18002) (City Wide) (Item 12.4)

(Eisenberger/Farr)
That the recommendations in CM18002, respecting Hamilton Waterfront Trust - Staff Response to Council's October 25, 2017 Direction, be deleted in their entirety, and replaced by the following:

(a) That staff be authorized and directed to negotiate a Lease Termination and Surrender Agreement with the Hamilton Waterfront Trust (HWT) of the existing head lease to unencumber the Pier 8 Development Blocks affected by the head lease, and to compensate the Hamilton Waterfront Trust (HWT) in accordance with the fair market leasehold interest value as established through an independent appraiser;

(b) That staff be authorized and directed to enter into a Lease Termination and Surrender Agreement with the Hamilton Waterfront Trust (HWT) on its long-term head lease with the City, as had been assigned from Her Majesty the Queen in the Right of Canada, effective the 27th day of July, 2015, substantially on or more favourable to the City than the terms and conditions outlined in Appendix "E" to Report CM18002, and such other terms and conditions deemed appropriate by the City Manager;

(c) That staff be authorized and directed to negotiate and enter into a Lease Extension and Amending Agreement with Hamilton Waterfront Trust, relative to the existing November 1, 2005 Lease ("Lease") with the City of Hamilton for leased premises located at 47 Discovery Drive, for a term period not to exceed 15 years, with one further five year option to renew, on terms and conditions to be negotiated, including a termination provision favourable to the City for the purposes of potential redevelopment that will require the surrender and vacant possession of the leased premises, more favourable to the City of Hamilton than the terms and conditions of the existing Lease, and such other terms and conditions deemed appropriate by the City Manager;

(d) That the net present value of the Lease Termination and Surrender Agreement in the amount of $3,067,570 (refer to Table 1 on Page 5 of Report CM18002) as established by an independent appraiser be payable to the Hamilton Waterfront Trust in annual payments of approximately $230,000 (based on the City's current 15-year debenture rate) for a period of 15 years and/or until such time as the 57 Discovery Drive property is sold, with the proceeds of disposition to be used to fund the outstanding balance of the leasehold buyback;

(e) That the accrued maintenance, utilities, property taxes (City assumes responsibility on January 1, 2018) and leasehold buyback amount of $3,067,570 for 57 Discovery Drive be funded from the proceeds of sale for 57 Discovery Drive. Any leftover funds are to be deposited to the City Unallocated Capital Reserve;

(f) That the City of Hamilton not bring current Hamilton Waterfront Trust (HWT) operations in-house;

(g) That the City Solicitor be authorized and directed to complete the transactions on behalf of the City, including paying any necessary expenses, and amend and waive terms and conditions on such terms as she considers reasonable;

(h) That real estate and legal fees of $5,100 for the two transactions, to be completed in accordance with recommendations (b) and (c), be paid from Account Number 4411606002 and credited to Account Number 45408-3560150200;

(i) That the Mayor and Clerk be authorized and directed to execute all necessary documents to implement the Recommendation herein (Report CM18002) in a form satisfactory to the City Solicitor;

(j) That Report CM18002 save and except the recommendations respecting Hamilton Waterfront Trust (HWT) Leasehold Interests on West Harbour Lands, remain confidential and not released as a public document until vetted by Real Estate; Legal Services and Human Resources.

CARRIED

Councillors Skelly and Pasuta wished to be recorded as OPPOSED to sub-sections (d) and (f) of the above motion.

26. Maximizing the Value and Optimizing the Timing of the Pier 8 Development

(Collins/Farr)
That the following amendment respecting Item 23, Hamilton Waterfront Trust - Staff Response to Council's October 25, 2017 Direction (CM18002) (City Wide) be added as Item 26 of the General Issues Committee Report 18-002, for consideration:

WHEREAS, the City's long-term prosperity and sustainability will rely on a central core and waterfront that are attractive, diverse, vibrant and healthy;

WHEREAS, the West Harbour Secondary Plan is the culmination of a planning process that began in the summer of 2002 and required careful consideration and a balancing of the ecological, social and economic aspects that comprise the West Harbour environment;

WHEREAS, the City and a team of consultants engaged key stakeholders and the broader community in a series of consultation events aimed at identifying common principles, opportunities and constraints, and a preferred land use strategy for the area, which together became the basis for this Secondary Plan;

WHEREAS, the success of relatively recent public improvements on the West Harbour waterfront lands — i.e. Bayfront Park, Pier 4 Park and the Waterfront Trail systems and Marina —demonstrate the overwhelming human desire to be at the water's edge;

WHEREAS, Setting Sail follows in the footsteps of Putting People First: the New Land Use Plan for Downtown Hamilton and the City's Vision 2020 Plan;.

WHEREAS, Setting Sail focuses on commercial and mixed-use corridors within the area, where strategic redevelopment and streetscape improvements would strengthen the economic vitality of the corridors, provide additional amenities to adjacent neighbourhoods and generally beautify the area;

WHEREAS, Piers 7 and 8 are city owned lands that have been identified for redevelopment in an effort to transform the lands into a vibrant urban waterfront neighbourhood to be enjoyed by all residents of the City and the vitality of Hamilton's urban waterfront will be supported by a mix of residential, commercial, community and cultural uses.

WHEREAS, the current Hamilton Waterfront Trust legal leasehold interests are an impediment and an encumbrance on the City's development plans for some of the proposed development blocks on Pier 8 (as outlined in Appendix "C" of report CM18002);

WHEREAS, during the October 25, 2017, General Issues Committee, Committee directed staff "to meet with Hamilton Waterfront Trust representatives to develop options of mutual interest and report back to the General Issues Committee by December 6, 2017";

WHEREAS, Council approved recommendation (a) of Report CM18002, which authorized and directed staff "to negotiate a Lease Termination and Surrender Agreement with the Hamilton Waterfront Trust (HWT) of the existing 45 year head lease to unencumber the Pier 8 Development Blocks affected by the head lease, and to compensate the Hamilton Waterfront Trust (HWT), in accordance with the fair market leasehold interest value as established through an independent appraiser"; and,

WHEREAS, the City of Hamilton has announced the five development teams that will compete for the right to develop the Pier 8 lands through an RFP process that is scheduled to closes on Monday, March 5, 2018.

THEREFORE BE IT RESOLVED:

(a) That staff be directed to investigate the feasibility of incorporating the City owned lands that will become unencumbered as a result of the Lease Termination and Surrender Agreement into the lands being offered for development in the Pier 8 Request for Proposals;

(b) That staff be directed to report back to the General Issues Committee with a recommendation that best maximizes the disposition value of the Leased Lands, does not adversely affect the value the City can expect to receive from the Pier 8 Request for Proposals, and best ties into the vision of Setting Sail and the successful developer;

(c) That the staff administering the Pier 8 Request for Proposals (RFP) on behalf of the City be authorized to communicate these developments to the short listed Pier 8 RFP developers to facilitate these objectives; and

(d) That staff be directed to provide the following as it relates to the Hamilton Waterfront Trust and report back to the General Issues Committee as soon as possible:

(i) Work with the Waterfront Trust staff and board to review and provide clarification with respect to the Hamilton Waterfront Trust Mandate; and

(ii) Work with Waterfront Trust staff and Board to review and renew the governance model for the Hamilton Waterfront Trust.

CARRIED

(A. Johnson/Farr)
That the SECOND Report of the General Issues Committee be adopted, ***as amended,*** and the information section received.

CARRIED

(Pasuta/VanderBeek)
That Council move into Committee of the Whole for consideration of the Committee Reports.

CARRIED

BY-LAWS

(A. Johnson/Farr)
That Bills No. 18-001 to No. 18-021 be passed and that the Corporate Seal be affixed thereto, and that the By-laws be signed by the Mayor and the City Clerk to read as follows:

By-law No.	
18-001	To Permanently Close and Sell a Portion of Kinsman Drive being Parts 1 to 6, inclusive, on Plan 62R-19974, City of Hamilton Ward: 11
18-002	To Permanently Close and Sell Moonlight Court, Hamilton, Ontario, established by Registered Plan 62M-1172, in the City of Hamilton, designated as Part 6 on Plan 62R-20674; and Part of Lot 26, Concession 7, in the Geographic Township of Saltfleet, in the City of Hamilton, designated as Part 4 on Plan 62R-20674 Ward: 9
18-003	To Permanently Close and Sell Bowridge Court, Hamilton, Ontario, established by Registered Plan 62M-1208, in the City of Hamilton, designated as Part 1 on Plan 62R-20679 Ward: 9
18-004	To Amend By-law No. 06-147, Being a By-law to Authorize the City to Enter into Extension Agreements Ward: City Wide
18-005	To Amend Zoning By-law No. 90-145-Z (Flamborough), Respecting Lands Located at 446, 460 and 470 Dundas Street East (Flamborough) ZAH-18-001 Ward: 15
18-006	To Authorize the Execution of the Clean Water and Wastewater Fund (Ontario) Transfer Payment Agreement between the City of Hamilton and Her Majesty the Queen in right of Ontario as represented by the Minister of Infrastructure for

	the Province of Ontario to Receive Funding Under the Clean Water and Wastewater Fund Ward: City Wide
18-007	To Amend By-law No. 01-218, as amended, Being a By-law to Regulate On-Street Parking Schedule 6 (Time Limit Parking) Schedule 8 (No Parking Zones) Schedule 10 (Alternate Side Parking) Schedule 12 (Permit Parking Zones) Schedule 13 (No Stopping Zones) Schedule 14 (Wheelchair Loading Zones) Ward: 1, 2, 3, 4, 6, 7, 8, 10, 11, 12, 13, 15
18-008	To Amend By-law No. 12-031 for Responsible Animal Ownership in the City of Hamilton Ward: City Wide
18-009	To Amend By-law No. 17-225, Being a By-law to Establish a System of Administrative Penalties Ward: City Wide
18-010	A By-law to Deem a Part of a Subdivision Not to be Registered, Lots 8 to 11, Inclusive, of Registered Plan No. 62M-630 Ward: 12
18-011	To Amend Zoning By-law No. 05-200, Respecting Lands Located at 43-51 King Street East and 60 King William Street, Hamilton ZAR-17-047 Ward: 2 **Not Final and Binding**
18-012	To Adopt Official Plan Amendment No. 90 to the Urban Hamilton Official Plan, respecting 9255 Airport Road West (Glanbrook) Ward: 11 **Not Final and Binding**
18-013	To Adopt Official Plan Amendment No. 15 to the Rural Hamilton Official Plan, respecting 9255 Airport Road West (Glanbrook) Ward: 11 **Not Final and Binding**
18-014	To Amend Zoning By-law No. 464 (Glanbrook), Respecting Lands located at 9255 Airport Road West (Glanbrook) ZAC-07-111/UHOPA-15-03/25T-200723 Ward: 11 **Not Final and Binding**
18-015	To Amend Zoning By-law No. 05-200, Respecting Lands Located at 9255 Airport Road West, Glanbrook ZAC-07-111 Ward: 11 **Not Final and Binding**
18-016	A By-law to amend Zoning By-law No. 05-200 to Permit the Development of Commercial Uses on Lands Located at 9255 Airport Road West (Glanbrook)

	ZAR-07-011 Ward: 11 **Not Final and Binding**
18-017	Respecting Removal of Part Lot Control, Block 20, Registered Plan of Subdivision No. 62M-1212, “Legacy”, for lands municipally known as 43 and 47 Legacy Lane PLC-17-031 Ward: 12
18-018	To Authorize the Temporary Borrowing of Monies to Meet Current Expenditures Pending Receipt of Current Revenues for 2018 Ward: City Wide
18-019	To Authorize an Interim Tax Levy for 2018 Ward: City Wide
18-020	To Authorize the Signing of an Agreement between the City of Hamilton and the Ministry of Transportation Related to Funding Provided Under the Dedicated Gas Tax Funds for Public Transportation Program Ward: City Wide
18-021	To Confirm the Proceedings of City Council

CARRIED

(Pearson/Conley)
That, there being no further business, City Council be adjourned at 11:05 p.m.

CARRIED

Respectfully submitted,

Mayor F. Eisenberger

Rose Caterini
City Clerk